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ABSTRACT

Authors and titles of the 15 papers in this volume are as follows: "A Follow-up Study of Vocational Education Graduates from the Ohio Central School System during Fiscal Year 1979" (Earl R. Schaeffer, Theodore P. Shannon); "Legal and Policy Dimensions of Functional Illiteracy among Post-Secondary Inmate Students" (Paul Moke, Jarrell Holloway); "Post-Secondary Correctional Education Programs: The Nature and Benefit of Higher Education for Adult Inmate-Students in the United States" (Ken Peak); "The Higher Educator Immersed in Correctional Basic Education" (Roderick R. Rolston); "Approaches to Teaching Remedial Reading Skills to the Adult Learner" (Herman Lee); "Scissors for Prisoners--Implementing a Professional Certification Program in a Correctional Setting" (Bruce Hobler); "Correctional Education's Bottom Line" (Douglas H. Jones, Charles J. Murray, A. Gregory Norcott); "Microprocessors as Educators' Partners" (M. G. Neithercutt, B. G. Carmichael); "Special Education Teachers in a Correctional Setting: Facing the Challenge" (Bruce I. Wolford, John Platt); "An Inventory for Identifying Aggressive Emotionally Disturbed Incarcerated Youth" (Ronald E. Fritsch); "Psychopathic Behavior and Issues of Treatment" (Robert J. Smith); "Inmate Social Systems versus Correctional Treatment Programs: The Paradox of Their Coexistence" (Paul M. Sharp, Barry W. Hancock); "The Criminal as Hero in American Fiction" (Teresa Godwin Phelps); "Forgotten People: Elderly Inmates and Examination of Inmate Profile, Needs, and Program Recommendations" (Gennaro F. Vito, Deborah G. Wilson); and "Sentence Structure of College and Non-College Inmates" (Gilda Moss Haber). (SK)

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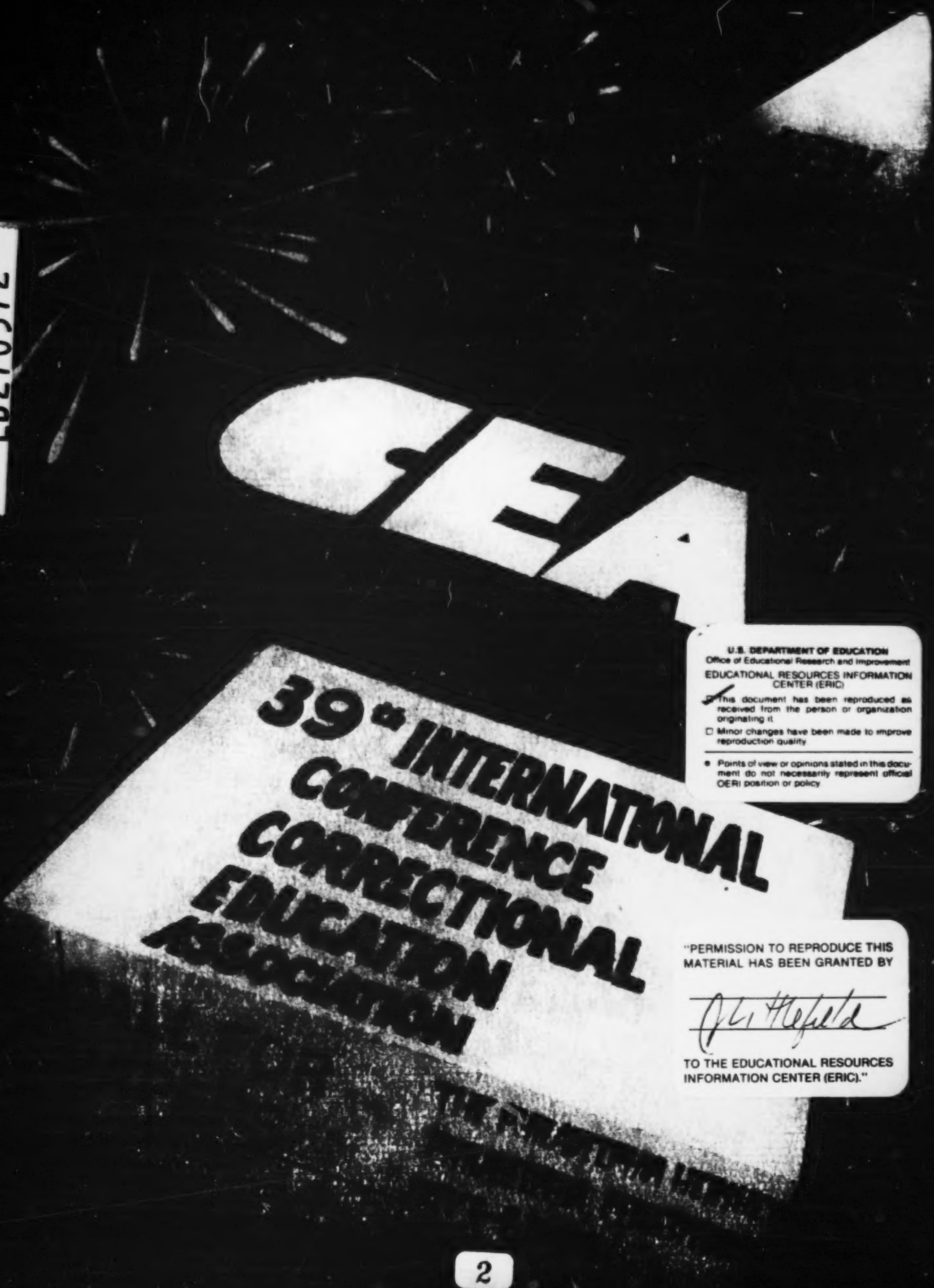
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39th INTERNATIONAL CONFERENCE
CORRECTIONAL EDUCATION ASSOCIATION

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Correctional Education Association
1984 CALL FOR PAPERS
Philadelphia, Pennsylvania
July 1-4, 1984

SCREENING COMMITTEE:
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Correctional Education Association
1984 Call for Papers
Philadelphia, Pennsylvania
July 1-4, 1984

LIST OF ACCEPTED SUBMISSIONS:

Session #1: Monday July 2, 1984 9:00 - 10:15 A.M.

TOPIC: CORRECTIONAL HIGHER EDUCATION

Discussant: James Jengeleski, ED.D.
Shippensburg University

A follow-up study of Vocational Education graduates from the Ohio Central School System during Fiscal Year 1979 1
Earl R. Schaeffer, Ph.D. & Theodore P. Shannon, Ph.D.
Dept. of Vocational/Technical Education
160 Ramseyer Hall
The Ohio State University
Columbus, Ohio 43210

Legal and policy dimensions of functional illiteracy among post-secondary inmate students 20
Paul Moke, J.D. and Jarrell Holloway, M.A.
Project Talents
Wilmington College
Wilmington, Ohio 45177

Post-Secondary Correctional Education Programs: The nature and benefit of higher education for adult inmate-students in the United States 27
Ken Peak, PH.D.
Assistant Professor
Department of Criminal Justice
University of Nevada - Reno
Reno, Nevada 89557-0026

The higher educator immersed in Correctional Basic Education 43
Roderick R. Rolston, Ph.D.
Indiana Dept. of Corrections
Indiana State Prison
P.O. Box 41
Michigan City, In. 46360

Session #3 Monday July 2, 1984 1:45 - 3:00 P.M.

Topic: Correctional Adult Basic Education

Discussant: Jerry McGlone, Ph.D.
Ohio Department of Rehabilitation and Correction

Approaches to teaching remedial reading skills to the adult learner 47
Herman Lee
Centralia Correctional Center
P.O. Box 1266
Centralia, Illinois 62801

Scissors for Prisoners - implementing a professional certification program in a correctional setting 51
Bruce Hobler, Ph.D.
Department of Correction
80 Monrovia Avenue
Smyrna, Delaware 19977

Correctional Education's Bottom Line 58
Douglas H. Jones, Ph.D.
Charles J. Murray, Ed.D.
A. Gregory Norcott, Ed.D.

A. Gregory Norcott
57 Hopatcong Drive
Lawrenceville, New Jersey 08648

Microprocessors as Educators' partners 64

M.G. Neithercutt & B.G. Carmichael
Dept. of Criminal Justice Administration
California State University, Hayward
Hayward, CA 94542

Session #5 Tuesday July 3, 1984 9:00 - 10:15 A.M.

Topic: Correctional Special Education

Discussant: John F. Littlefield, Ph.D.
Ohio Department of Rehabilitation and Correction

Special education teachers in a correctionaal setting: facing the challenge 79
Bruce I. Wolford, Ph.D. & John Platt, Ph.D.
Dept. of Correctional Services
Eastern Kentucky University
Richmond, KY 404753

An inventory for identifying aggressive emotionally disturbed incarcerated youth 85
Ronald E. Fritsch, Ed.D.
Assistant Professor
Dept. of Special Education
Texas Woman's University
P.O. Box 23029, TWU Station
Denton, Texas 76204

Psychopathic Behavior and Issues of Treatment 89
Robert J. Smith, Ph.D.
C/O Univ. of Maryland
Box 655
APO New York 09742

Session #7 Tuesday July 3, 1984 1:45 - 3:00 P.M.

Topic: Corrections and Education

Discussant: Thomas H. Brown, Ph.D.
Cumberland Community College - New Jersey

Inmate Social Systems Versus Correctional Treatment Prorams: The Paradox of their Coexistence 98
Paul M. Sharp, Ph.D. & Barry W. Hancock, Ph.D.
Department of Sociology
Auburn University at Montgomery
Montgomery, Alabama 36193

The Criminal as Hero in American Fiction 104
Teresa Godwin Phelps
Assistant Professor
The Law School
University of Notre Dame
Notre Dame, Indiana 46556

Forgotten People: Elderly inmates and examination of inmate profile, needs and program recommendations 121
Gennaro F. Vito, Ph.D. & Deborah G. Wilson, Ph.D.
Assistant Professors
School of Justice Administration
University of Louisville
Louisville, KY 40292

Sentence structure of college and non-college inmates

Gilda Moss Haber, Ph.D.
11226 Bybee Street
Silver Spring, Maryland 20902

A FOLLLOW-UP STUDY OF VOCATIONAL EDUCATION GRADUATES FROM THE OHIO CENTRAL SCHOOL SYSTEM DURING FISCAL YEAR 1979

Prepared by
Earl R. Schaeffer, Ph.D.
and
Theodore P. Shannon, Ph.D.

Final Report
July, 1983

ACKNOWLEDGMENTS

The researchers wish to thank all those who made this project possible. Special appreciation is extended to Mr. Rex Zent, Educational Administrator, Ohio Central School System, Department of Rehabilitation and Correction; Mr. Steve Van Dine, Supervisor of Research and Statistics, Adult Parole Authority; Ms. Mary York, Superintendent of Administration and Research, Adult Parole Authority; Ms. Wilma Burnham, Records Room Supervisor, Adult Parole Authority; and all the Directors of Education at the State Prisons. Without their cooperation, this study would have remained a dream. Others involved included the Records Room clerks who assisted in data collection and the vocational teachers whose efforts made all this feasible.

THE RESEARCHERS

Dr. Schaeffer has been an instructor at The Columbus Technical Institute since 1968. A holder of a dual faculty appointment in the Behavioral Sciences and Law Enforcement Departments, he teachers classes in behavioral sciences, criminology, law enforcement, psychology, and sociology. From 1964 to 1968 he was the statistician for the Ohio Adult Parole Authority. He earned his doctorate in adult education from The Ohio State University in 1978.

Dr. Shannon has served on the Academic Faculty for Vocational Technical Education at The Ohio State University since 1974. He provides in-service teacher training for all vocational teachers in the Ohio adult and juvenile corrections systems. Formerly he taught in the educational services in the Child Psychiatry Division in the University Hospitals in Columbus and later served as Director of Education at the Nelsonville Children's Center. He completed his doctorate in vocational education at The Ohio State University in 1978.

SECTION I

THE STUDY AND ITS SETTING

For the past several years professional practitioners in the criminal justice system, particularly in corrections, have pointed to the viability of vocational education as an integral component of the rehabilitation process. The rationale for including vocational education as a part of the overall treatment process needs little justification to anyone familiar with the demographic data of incarcerated persons. Intake records will generally show poor educational backgrounds and unemployment or underemployment at the time of commitment. Conversely, intake records only infrequently show evidence of completion of any formal vocational or occupational training. If, on one hand, the assumption can be made that persons who complete formal vocational training programs tend to not wind up in prison, then perhaps on the other hand the assumption can be extrapolated to suggest that inmates who complete formal vocational training programs while in prison may face a reduced likelihood of returning to prison. Obviously, this is a delicate and guarded proposition, owing to the several intervening variables affecting the latter group. Nevertheless, the feeling persists that vocational training programs in prisons can and do have an important role in the rehabilitation process and the issue of recidivism, as well.

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The Ohio Department of Rehabilitation and Correction has long advocated the inclusion of vocational training as a part of its statewide education programs in institutions. The Department, referred to henceforth as O.D.R. & C., was granted a full school charter by the Ohio Department of Education in April, 1973, after several years of operating under various special purpose school charters. Approximately twenty-five vocational programs were in operation at the time of the chartering in 1973. In the ensuing years, the number of approved (by the Division of Vocational Education, Ohio Department of Education) programs has doubled. This growth was facilitated largely by the infusion of federal funds, now no longer available. Notwithstanding, the expansion of vocational offerings within O.D.R. & C. has not kept pace with the rapidly growing incarcerated population in the state. In 1983, on any given day, a check of the records will show less than five percent of Ohio's incarcerated population in state prisons enrolled in approved vocational training programs. Yet further checks into the demographic data could establish that a far greater percentage of inmates could benefit from vocational education; the figure could run as high as fifty percent.

Certainly one reason for the lack of expanded vocational programming in O.D.R. & C. is funding. For anyone involved in state government in Ohio in 1983, this precept needs no further explanation. One specific reason for the funding shortage, however, may well be that while many share the notion, feeling or conviction that vocational education does make a positive contribution to the rehabilitative process, very little data has been presented to substantiate this belief.

Having little hard data at hand has been a hindrance to the operation of correctional vocational education programs from the central office level down to the institutional education office level and even down to the individual program level. In the public schools much wffort goes into the follow-up tracking of vocational graduates. Though this is Not an especially easy task for professionals in the public schools, it is considerably less difficult and complicated than in the correctional setting. Nevertheless, educational administrators in the public schools utilize follow-up data to determine efficacy of vocational programs, where to cut back, and where to expand. Moreover, follow-up data helps the individual vocational teacher to monitor the on-going relevance of the curriculum content of his-her program. The lack of any assembled meaningful follow-up data in corrections makes similar administrative and teaching decisions considerably more difficult. Moreover the lack of useable follow-up data on vocational graduates makes the acquisition of additional outside funding sources (particularly through the Ohio Department of Education) extremely difficult. In this ear of very tight public dollars additional fund ing of even current, let alone expanded, correctional vocational education programs is simply not likely to occur unless it can be shown that such programs do, in fact, make a difference.

In the publich schools the tracking process involves considerabLy delineated standards. Though thousands of vocational students complete training programs in Ohio each year, the first significant delineation lies in the fact that they come from specific comprehensive high schools, career centers, or joint vocational schools. This quickly breaks down the overall vast number of graduates into much smaller, more manageable units for follow-up purposes. Generally, the graduates of a given school are broken into even smaller units by program area. Therefore, a teacher may have relatively few (i.e., 10-20) students to track. Moreover, the vocational graduates from the public schools tend to stay put, for a time anyway, making follow-up data much more accessible. Even if they leave a locality, their families will likely remain, representing a reliable back-up source of information. Since all students graduate from vocational programs in the public schools as a group at one time of the year, the time frame of annual comprehensive follow-up efforts is considerably simplified. A final point to consider - and this may be argued by some - is that vocational graduates from the public schools may be more willing to cooperate with follow-up efforts tracking their progress and more honest about it as well than graduates of vocational programs in corrections.

It is obvious that few of the expediencies to follow-up efforts outlined in the preceding paragraph are available to administrators and teachers of correctional vocational programs. Inmate vocational students graduate at various times year-round. They may or may not remain at the same institution following graduation. They may or may not be paroled shortly after graduation. They probably will not remain in the vicinity of the prison upon release. Though they will possess newly-acquired vocational skills they will still be hindered by their past educational, employment, and now criminal records. Presently they are competing for jobs in a depressed job market against both recent public school vocational graduates as well as experienced skilled workers who do not have records. Finally, once released, they may well be reluctant to provide any information which will link them to their past. Too, as unsalient as it may sound, the integrity of responses they may make would have to be taken into consideration as well.

Recognizing these considerable obstacles, yet further recognizing the great need to obtain some kind of useable follow-up data, the researchers proposed to design and carry out this study.

SECTION II

PROCEDURE

Few convicted felons in Ohio serve their complete sentences. Instead most will leave prison through the parole process. In general, parolees will remain under the supervision and jurisdiction of the Ohio Adult Parole Authority for at least one year. The researchers recognized that this process further results in a central repository of individual records and data which could yield relevant information for vocational follow-up purposes.

The researchers approached the Educational Administrator in the central office of the Ohio Department of Rehabilitation and Correction (O.D.R. & C.) with their research proposal to review parole records to gather data which could be useful for vocational follow-up information. They first wished to establish a data base on a group of correctional vocational graduates. Second, though this was an ex post facto, descriptive study, not an experimental study, and therefore required no hypothesis, the researchers held to the rationale that vocational graduates would tend to show better, job-wise, than non-vocational graduate parolees if and when comparison data would become available.

Subsequent conferences between the researchers and the Educational Administrator in the central office of the O.D.R. & C. resulted in the selection of the vocational graduates during Fiscal Year 1979 as the target population for this study. There were two reasons for this choice. First, after this particular year Adult Parole Authority record formats were changed and the new forms would not yield the type of job information needed for this study. Second, it was deemed that the time span (1979-1983) ought to be sufficiently long enough to have allowed nearly all of the F.Y. 1979 vocational graduates to have been paroled and through the parole process.

The Educational Administrator contacted the Directors of Education of each of the seven institutions which offered vocational education programs during F.Y. 1979 and requested that they provide the researchers with lists of all vocational graduates from that year. The Educational Administrator also assisted in arranging access for the researchers to the confidential case records maintained by the Adult Parole Authority. This access was further facilitated by the fact that one of the researchers had been formerly employed by the Adult Parole Authority and was still widely known in that division.

Further conferences between the researchers and the Educational Administrator also included the Supervisor of Research for the Adult Parole Authority. These planning sessions centered on refining the list of research questions to be answered by this study. The research questions finally agreed upon were:

1. Were vocational graduates employed during the parole period?
2. Was the employment in the same (or related) field for which the vocational graduates were trained or was it in a different field?
3. What was the relative elapsed time between the vocational graduate's parole and his/her securing employment?
4. Was employment retained on a steady basis or was it short term and sporadic?
5. Was the employment in the private or public sector?
6. What was the overall performance of the vocational graduates in terms of final parole outcome?
7. What was the overall performance of the vocational graduates in terms of final parole outcome and employment status?

Lists provided by the seven institutional Directors of Education showed a total of 650 inmates who successfully completed and were graduated from approved vocational programs during F.Y. 1979. Originally, the researchers intended to do a sampling of fifty-percent of the population. After they began their serious inquiry and review of records, however, they decided to investigate the entire population. This decision to include the entire population of 650 vocational graduates eliminated the possibility of questionable generalizations through possible sampling error.

Thus established the researchers set upon the task of locating records maintained by the Adult Parole Authority on the 650 vocational graduates from F.Y. 1979. An index card including the relevant information sought was prepared for each vocational graduate. Each case was individually located and duly tallied. The researchers accomplished this task over a six month period, working as their teaching schedules permitted. When they completed this phase of the study, they had useable information recorded for 589 of the 650 cases. Tables showing the disposition of the 589 cases which yielded useable information, along with the sixty-one cases which did not, are presented in the next section of this study.

SECTION III

PRESENTATION OF THE DATA

The focus of this section is upon the presentation and discussion of the data obtained from examining the individual parole records of the 650 inmates who graduated from approved vocational programs in the Ohio Central School System during Fiscal Year 1979. Insofar as this study was an ex post facto descriptive study, the researchers applied no statistical treatments beyond frequencies and percentages to the data. Seven frequency tables are shown and discussed on the following pages. It should be noted that in a few instances percentage columns may not total exactly 100 percent because of rounded figures.

EMPLOYMENT STATUS

Table 1 shows overall employment status for all vocational graduates by institution. The majority of vocational school graduates were employed, although in areas different than those in which they graduated. The important aspect is that they were employed. While only seventeen precent worked in jobs related to their training, fifty-six percent were working in unrelated jobs, for a combined total of seventy-three percent. Another five percent were classes as "Other," which meant in school, on welfare, or social security, or medically unable to work. Overall, twenty-two percent were unemployed during the parole period. While this figure is higher than Ohio Unemployment rates in general, it may be lower than that for Ohio parole population overall.

As for the next three tables, "Unemployed" and "Other" categories have been removed. These tables relate only to the employed. They reveal certain data for total employed, employed in the same or related field of training received while in prison, and employed in different field than that in which trained while in prison. The total used in these tables then becomes 429.

Table 2 shows employment data by length of time required to find employment. This is shown for total and each institution separately. "Quick" refers to finding employment within three to four months after parole. "Late" refers to finding employment after four months. For all cases, three-fourths found employment quickly. For those in the same or related field, eighty-three percent found employment within a few months after parole. For those in different fields of employment, this figure was seventy-four percent. It is possible that these parolees first sought jobs in their areas of training, were unable to find them, and then settled for different types of jobs. This would account, in part, anyway, for the longer time length in locating Jobs.

Finding employment is one thing. Keeping it is another. Table 3 shows employment data by steadiness. This is shown for total and each institution separately. "Steady" refers to keeping the job once obtained, or leaving it for another job. The meaning is one of steady employment over the parole period. "Short" refers to holding the obtained job for only a few months at most or being sporadic in working. For all cases, almost half (forty-nine percent) maintained regular, steady employment. For those working in the same or related field, this figure was seventy

TABLE 2

ELAPSED TIME BETWEEN PAROLE AND SECURING EMPLOYMENT
FOR THE EMPLOYED VOCATIONAL GRADUATES BY INSTITUTION

INSTITUTION		ALL CASES						SAME OR RELATED						DIFFERENT					
		TOTAL		QUICK		LATE		TOTAL		QUICK		LATE		TOTAL		QUICK		LATE	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
	TOTAL	429	100	326	76	103	24	100	100	83	83	17	17	329	100	243	74	86	26
CCI		59	100	54	92	5	8	12	100	11	92	1	8	47	100	43	91	4	9
LECI		78	100	65	83	13	17	13	100	10	77	3	23	65	100	55	85	10	15
LOCI		29	100	21	72	8	28	10	100	9	90	1	10	19	100	12	63	7	37
MCI		80	100	65	81	15	19	21	100	17	81	4	19	59	100	48	81	11	19
ORW		15	100	12	80	3	20	7	100	7	100	—	—	8	100	5	62	3	38
OSR		152	100	99	65	53	35	34	100	27	79	7	21	118	100	72	61	46	39
SOCF		16	100	10	62	6	38	3	100	2	67	1	33	13	100	8	62	5	38

TABLE 3

STEADINESS OF EMPLOYMENT FOR THE EMPLOYED VOCATIONAL GRADUATES BY INSTITUTION

	ALL CASES						SAME OR RELATED						DIFFERENT					
	TOTAL		STEADY		SHORT		TOTAL		STEADY		SHORT		TOTAL		STEADY		SHORT	
INSTITUTION	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	429	100	211	49	218	51	100	100	70	70	30	30	329	100	141	43	188	57
CCI	59	100	37	63	22	37	12	100	9	75	3	25	47	100	28	60	19	40
LECI	78	100	40	51	38	49	13	100	9	69	4	31	65	100	31	48	34	52
LOCI	29	100	9	31	20	69	10	100	6	60	4	40	19	100	3	16	16	84
MCI	80	100	40	50	40	50	21	100	16	76	5	24	59	100	24	41	35	59
ORW	15	100	9	60	6	40	7	100	6	86	1	14	8	100	3	38	5	62
OSR	152	100	67	44	85	56	34	100	21	62	13	38	118	100	46	39	72	61
SOCF	16	100	9	56	7	44	3	100	3	100	--	--	13	100	6	46	7	54

TABLE 4

EMPLOYMENT IN THE PRIVATE SECTOR VS. THE PUBLIC SECTOR FOR THE EMPLOYED VOCATIONAL GRADUATES BY INSTITUTION

	ALL CASES						SAME OR RELATED						DIFFERENT					
	TOTAL		PRIVATE		PUBLIC		TOTAL		PRIVATE		PUBLIC		TOTAL		PRIVATE		PUBLIC	
INSTITUTION	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	429	100	401	93	28	7	100	100	99	99	1	1	329	100	302	92	27	8
CCI	59	100	56	95	3	5	12	100	12	100	-	-	47	100	44	94	3	6
LECI	78	100	76	97	2	3	13	100	12	92	1	8	65	100	64	98	1	2
LOCI	29	100	28	97	1	3	10	100	10	100	-	-	19	100	18	95	1	5
MCI	80	100	73	91	7	9	21	100	21	100	-	-	59	100	52	88	7	12
ORW	15	100	14	93	1	7	7	100	7	100	-	-	8	100	7	88	1	12
OSR	152	100	139	91	13	9	34	100	34	100	-	-	118	100	105	89	13	11
SOCF	16	100	15	94	1	6	3	100	3	100	-	-	13	100	12	92	1	8

percent, while for those working in different type jobs, it was merely forty-three percent. This is certainly meaningful. Parolees employed in jobs for which they had been prepared in prison vocational schools were more apt to remain steadily employed. Perhaps they were more satisfied with their jobs than were those who could not find employment in their areas of training.

Reasons for leaving employment were not always reported. From those that were listed in the reports, the causes seemed to be: quitting, leaving for better job, being laid off, being fired, being arrested, or absconding.

Table 4 reveals the employment data for private or public sector. This is shown for total and each institution separately. Overall, ninety-three percent of the paroled employed graduates worked in the private sector of the economy and seven percent worked in the public sector. For those in the same or related fields, the number working in the private sector was ninety-nine percent. For those in different fields of work, the number was ninety-two percent. The number working on government payrool was small, then, for all categories. One goal of vocational education is to prepare and encourage graduates to be employable in private occupations. These figures indicate this has been accomplished with this population.

PAROLE OUTCOME

For the next two tables, the "Unemployed" and "Other" categories are included in the data; raising the total number to 589. "Final release" means discharge from parole supervision. "PVAL" means parole violator at large, or absconder, whereabouts unknown. "PV Returned" means returned to the institution for violation of rules or a technical violation. "PV Recommission" means convicted of a new felong. "Charges Pending" means new charges have been filed but disposition has not been reached. "Died" means deceased, no longer living. "On Parole" means the parole period is on-going.

Table 5 shows parole outcome for the graduates by total and by each institution. Overall, three-fourths of the graduates achieved final release from supervision. Five percent had absconded. Two percent were returned to institutions as parole violators and eleven percent were convicted of new felonies. Another three percent had charges pending, and it can be assumed most of these will be convicted. One percent died while on parole. The remainder (three percent) will still on parole.

When the graduates returned for new convictions and violation of parole rules are combined, the percentage is thirteen. This rises to sixteen if the charges pending categoty is added. This may be lower than the rates for the Ohio parole population overall.

Of some interest to the researchers was the category "Died." Certainly, this number was small (only six cases). Five of the six were from the reformatory type institutions, and four of them died violently. Three were shot by police and the other shot by a rival in a dispute over a woman. Only one reformatory parolee died of an accident. The lone prison vocational institutional graduate who died did so of natural causes. The point of interest is in the violent ending of the younger reformatory clientele. Perhaps they were more apt to be risk-takers and reckless in their behavior.

TABLE 5

PAROLE OUTCOME FOR ALL VOCATIONAL GRADUATES BY INSTITUTION

INSTITUTION		TOTAL		FINAL RELEASE		PVAL		PV Ret'd.		PV Recomm.		Ch. Pend.		Died		On Parole	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
	TOTAL	589	100	442	75	28	5	15	2	63	11	18	3	6	1	17	3
CCI		82	100	64	78	5	6	3	4	6	7	–	–	1	1	3	4
LECI		103	100	79	76	8	8	1	1	6	6	4	4	3	3	2	2
LOCI		48	100	26	54	2	4	4	8	12	25	1	2	–	–	3	6
MCI		111	100	86	77	6	5	2	2	9	8	4	4	–	–	4	4
ORW		15	100	12	80	–	–	–	–	3	20	–	–	–	–	–	–
OSR		200	100	157	78	4	2	3	2	23	12	9	4	2	1	2	1
SOCF		30	100	18	60	3	10	2	7	4	13	–	–	–	–	3	10

TABLE 6

EMPLOYMENT STATUS BY PAROLE OUTCOME FOR ALL VOCATIONAL GRADUATES

Parole Outcome		TOTAL N	TOTAL %	SAME OR RELATED N	SAME OR RELATED %	DIFFERENT N	DIFFERENT %	UNEMPLOYED N	UNEMPLOYED %	OTHER N	OTHER %
	TOTAL	589	100	100	100	329	100	130	100	30	100
Final Release		442	75	88	88	275	84	51	39	28	93
PVAL		28	5	1	1	11	3	15	12	1	3
PV Returned		15	2	–	–	5	2	10	8	–	–
PV Recommission		63	11	9	9	23	7	31	24	–	–
Charges Pending		18	3	2	2	6		9	7	1	3
Died		6	1	–	–	2	–[a]	4	3	–	–
On Parole		17	3	–	–	7	2	10	8	–	–

a) Less than one percent

EMPLOYMENT STATUS BY PAROLE OUTCOME

Table 6 presents the employment status by parole outcome for the total graduate population. It is obvious that employed graduates performed much better than did unemployed.

Successful parole outcome as measure by final release was much greater for the employed (eighty-eight percent in the Same or Related and eighty-four percent in Different employment categories) than for the unemployed (thirty-nine percent). The "other " category fared well also with a ninety-three percent final release figure.

Returns to institutions, either as parole violators or as commiters of new crimes, were low for the employed (nine percent for either category) compared to unemployed (thirty-two percent). This is certainly meaningful. Moreover, the unemployed were more likely to disappear, known as absconder or P.V.A.L. (twelve percent). Since unemployment is often associated with return to criminal actitity or with just "walking away," this finding is not surprising. Employment certainly seems to be associated with successful parole outcome.

THE REMAINDER OF THE VOCATIONAL GRADUATES

The total lists of graduates showed 650. Examination of the records yielded a useable number of 589. Sixty-one were discarded for reasons shown here. Thirty-six had not been granted parole. Three others had been paroled to detainers out-of-state and were not under parole supervision. One had his sentence vacated (set aside). Nine others had gone through two vocational schools and were duplicated on the lists, so they were discarded the second time. Six were paroled too late for the complete follow-up. For the final six, records were unavailable to the researchers. These were shown as "unable to find."

SECTION IV

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

Findings

Seven research questions were posed in the section on Procedure. In conjunction with those questions, the findings derived from the data collected in this study are:

1. The majority (seventy-three percent or 429 cases) of the vocational graduates were employed during the parole period.

2. Seventeen percent (100 cases) were employed in the same or related fields for which they were trained, and fifty-six percent (329 cases) were employed in different fields.

3. Of those employed, seventy-six percent (326 cases) obtained employment within a few months of release from prison and twenty-four percent (103 cases) secured employment at a later date.

TABLE 7

THE DISPOSITION OF THE SIXTY-ONE CASES NOT INCLUDED IN THIS STUDY

Institution		Total	Not Paroled	Paroled to Detainer	Sentence Vacated	Duplicates	Paroled Too Late	Unable To Find
	Total	61	36	3	1	9	6	6
CCI		13	12	1	-	-	-	-
LECI		11	6	1	1	-	2	1
LOCI		5	3	1	-	1	-	-
MCI		8	4	-	-	-	3	1
ORW		1	1	-	-	-	-	-
OSR		21	8	-	-	8	1	4
SOCF		2	2	-	-	-	-	-

4. For the employed, forty-nine percent (211 cases) held jobs on a steady basis, either on the original or subsequent jobs, and fifty-one percent (218 cases) worked on a short or sporadic basis.

5. For the employed, ninety-three percent (401 cases) held jobs in the private sector and seven percent (28 cases) held jobs in the public sector.

6. The total vocational graduates performed well in parole outcome with a seventy-five percent (442 cases) final release figure, a thirteen percent (78 cases) return to prison figure, and three percent (18 cases) charges pending figure.

7. Employed graduates showed a higher final release figure (eighty-eight percent for same ore related, eighty-four percent for different with numbers of 88 and 275 respectively), compared with a thirty-nine percent figure for unemployed (51 cases). Employed graduates showed a lower return to prison figure (nine percent for both categories, with numbers of nine and 28 respectively) and charges pending figure (two percent for each category, with numbers of two and six respectively), when compared to unemployed (thirty-two percent, or 41 cases, returned and seven percent, or 9 cases, with charges pending).

Conclusions

On the basis of data collected for this study and the ensuing findings, the following conclusions were reached:

1. Inmates who graduate from vocational education programs while in prison are likely to secure employment upon release; therefore, formal vocational education appears to have a positive effect on employability.

2. Vocational graduates who obtain employment in job areas for which they were trained seem more likely to remain steadily employed than vocational graduates who are employed in jobs that were different than their area of training.

3. In general, vocational graduates who secure employment do so relatively soon (within four months) of release from prison.

4. While vocational graduates demonstrate a strong likelihood of obtaining employment after release, the types of the jobs secured are frequently different from the job areas for which they were trained.

5. Although a portion of the vocational graduates also show a rather high unemployment figure, that figure (22%) is not a great deal higher than the figure (12.5%) for the entire state at the time of this study; moreover, most of the persons in the overall state average are probably law-abiding citizens without criminal records.

6. Vocational graduates appear to demonstrate a low incidence of returning to prison while on parole. The incidence of recidivism, during parole, for those vocational graduates who were employed is even lower than those vocational graduates who were unemployed.

7. Vocational graduates who receive their training at institutions which produce a larger number of graduates (and thereby likely operate a larger number of vocational programs) seem to show better overall employment figures and parole performance than vocational graduates who receive their training at institutions which produce the lower numbers of graduates (and thereby likely operate fewer numbers of vocational programs).

Recommendations

Based upon the researchers' interpretation of the data in this study and their collective experience in vocational and technical education as well as in corrections in general, it is recommended that:

1. A specific research effort should be undertaken which investigates the overal relevance and efficiency of current vocational course offerings in Ohio's state prisons, this study should look at the relation of the courses to current job trents; the condition/age of equipment used in training; and the trade competency of the teachers.

2. Relevant vocational education courses in Ohio's prisons ought to be carefully expanded so as to include a greater number of inmates who can potentially benefit from vocational training.

3. Additional efforts should be put into establishing an on-going easily-tracked data collection system on inmates who are vocational graduates.

4. A specific research study should be conducted which compares the employment and overall parole performance of vocational graduates with all parolees from the same Fiscal Year; such a study also could set the stage for on-oing annual comparisons.

5. Additional staffing and appropriate funding should be incorporated into departmental planning so as to ensure valid, on-going data collection and analysis as well as continued research inquiries.

In summation, the authors wish to stress that they are well aware of prevailing negative public attitude toward providing funds for vocational training for incarcerated persons. The researchers therefore wish to end this report of their follow-up study with a comprehensive, pragmatic statement on the issue of providing sound vocational training programs for inmates.

From their experiences with corrections and correctional education, the researchers are aware, as are other professionals in corrections, that many, perhaps most, persons committed to prison demonstrate both poor educational backgrounds and functional levels as well as poor employment records. If nothing is done to improve either or both of these deficient areas during incarceration, it follows that the inmates' return to illegal activities upon eventual release will be probable. Even if further crimes are avoided there remains an increased likelihood of continued public dependence through unemployment and/or welfare assistance. Including the time spend in prison at public expense, this can add up to continued outlay of tax dollars with little or no return.

On the other hand, if educational opportunities, particularly vocational, can be provided during incarceration and can be a factor, as the results of this study suggest, in reducing or ending ex-offenders' continued dependence on public funds, then it certainly must be viewed as a viable treatment intervention. Moreover, if ex-offenders are gainfully employed, they will be *paying* taxes rather than being *supported* by taxes. Whether or not this is indeed "rehabilitation" is a point of philosophical debate; ultimately it *is* cost-effective.

LEGAL AND POLICY DIMENSIONS OF FUNCTIONAL ILLITERACY AMONG POST-SECONDARY INMATE STUDENTS

Paul Moke, J.D.
and
Jarrell Holloway, M.A.

Project Talents of
Wilmington College

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In the spring of 1983, the National Commission on Excellence in Education released ints study, A Nation at Risk. The Commission's report, which concluded that a "rising tide of mediocrity" has swept American public schools, has precipitated new concern for the integrity of classroom learning. As an integral part of the overall pedagogical system, corrections education should not be immune from constructive criticism or new policy commitments to education. For as Jonathan Kozol recently wrote in his book, Prisoners of Silence, "the highest single locus of illiterate men and women is the prison."*

That a high incidence of illiteracy exists in American prisons can scarcely be doubted. According to Education Secretary Terrel Bell, only ten percent of offenders enter state institutions with a high school degree, while more than eighty percent are dropouts with less than a tenth grade education who function two to three grade levels beow that.** What is not commonly understood, however, is that academic deficiencies among promary and secondary programs. Approximately two thirds of U.S. colleges and universities have found it necessary to offer remedial courses in reading and writing. Sadly, it is not unusual for forty percent of in-coming college freshmen to need remedial work in these areas before they pursue what used to be a college level curriculum.

In view of the declining academic abilities of entering college freshmen nationwide, it is hardly surprising that post-secondary programs operating in prisons face even greater deficiencies in their student populations. While most colleges inside prisons require a high school degree or a G.E.D. certificate for admission, mere possession of a degree or its functional equivalent does not translate into a mastery of basic academic skills. This presents an anomaly for prison colleges, which have now become schools of last resort for thousands of functionally illiterate inmates who, as "pass-alongs" and "social promotions", have graduated from high school or received a GED with basic skills missing.

Compounding the problem is the fact that federal and state legislators have proposed and sometimes passed statutes barring inmates from access to government sponsored post-secondary educational assistance programs. As applied to many inmates in post-secondary programs, this legislation prevents functional illiterates who possess a high school degree or a GED from securing badly needed educational assistance during their incarceration. In an effort to develop a legal and policy based attack against such legislation, the incidence of functional illiteracy among inmate-students in a large post-secondary prison education program was studied. Results of this effort were then used to formulate a constitutional attack against state and federal statutes denying inmates access to educational entitlements. In Part I, below, the results of the functional illiteracy study are presented, together with an analysis of the pre-college academic backgrounds of a sample population of post-secondary inmate students. Part II then explores the legal and policy dimensions of the functional illiteracy data, using two recent Supreme Court decisions, Plyler V. Doe, 457 U.S. 202 (1982), and San Antonio Independent School District V. Rodriguez, 411 U.S. 1 (1973), as a point of reference.

PART I: FUNCTIONAL ILLITERACY AMONG POST-SECONDARY INMATE STUDENTS

The sample population selected for study consisted of four hundred and eighty nine inmates who attended at least one quarter of college in an associates level prison education program between July 1982 and June, 1983. The program, Project Talents of Wilmington College, enrolls four hundred and seventy five full-time students each quarter. This inmate-students, who must possess either a high school degree or a GED prior to admission, are residents of Lebanon Correctional Institution in Lebanon, Ohio. They are largely first time offenders, averaging 23.5 years of age, and most come from urban environments in southwestern Ohio. The racial composition of hte overall institutional population, currently 2,114 inmates, is 60% white and 40½ black.

The sample population received a battery of achievement tests designed to identify learning deficiencis in adult populations. The test, the California Test of Adult Basic Education (CTABE), measures achievement in reading comprehension, math and language skills. Scores indicate performance in terms of a grade level that is broken down by year and month, such that the highest possible score, 12.9, indicates and ability level equivalent to ninth month of the twelfth year of schooling.

Tables A1, A2, and A3 indicate the results of the CTABE testing on the sample population in the three key areas of the test, reading, math and language ability. Table A1 shows that over one half (52.3%) of the test group scored below the tenth grade level in reading, with fifteen percent falling between the sixth and the eighth grades. This represented the best aggregate score of the three areas tested. The proportionally higher scores on this test may reflect an acquired skill of guessing at the gist of an article without actually knowing the meaning of the words. According to a report issued by the Adult Performance Level Project at the University of Texas, those scoring below the tenth grade ability level on this test will encounter difficulty reading an aspirin bottle, understanding a simple insurance policy or following a bisic apartment lease.

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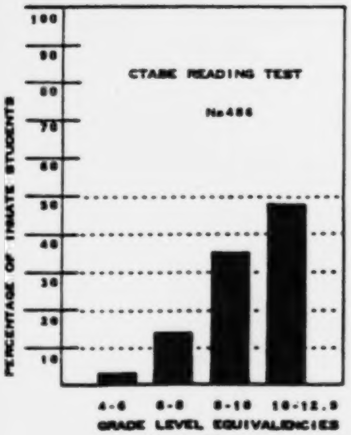
* Kozol, Jonathan, Prisoners of Silence: Breaking the Bonds of Adult Illiteracy in the United States, (Lexington, N.Y.: Continuum Publishing Company, 1980) p. 74.

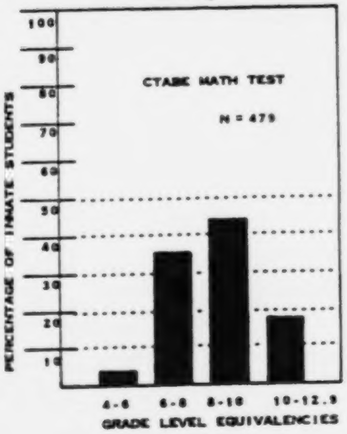
** See Senator Pell's testimony in support of the Federal Corrections Education Assistance Act in the August 3, 1983 daily edition of the Congressional Record.

TABLE A1



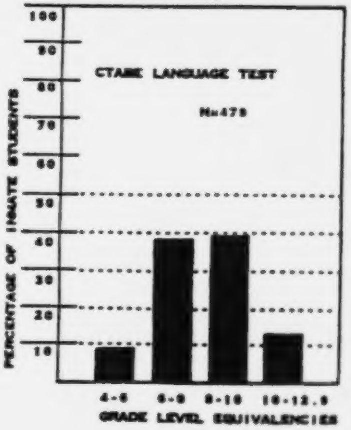
High: 12.9
Average: 8.2

TABLE A2



Low: 4.5
High: 12.9
Average: 8.6

TABLE A3



Low: 4.6
High: 12.9
Average: 9.7

Table A2 indicates CTABE scores in math. Thirty eight percent of the sample population scored below the eighth grade competency level, and forty five percent scored between the eighth and the tenth grade level. the Adult Performance Level Project characterizes this ability level as one that would severly hamper oral and written expression in such endeavors as job interviews or other public presentations of self.

Finally, Table A3 illustates scores in language ability, the lowest area of achievement in the sample population. Nearly one half of the inmate-students (47.4%) scored below the eighth grade equivalency level, and only thirteen percent scored above the tenth grade level. Those falling below the tenth grade level (83% of the sample) would be unalble to comparison shop or balance a checkbook according to Adult Performance Level data.

To ascertain whether college level instruction in basic academic skills assisted the sample population, academic performance in remedial classes was examined. Students performing below an eighth grade level in math, language skills, or reading are required to enroll in remedial courses by the program under study. Table B indicates the outcome of this study.

Column N of Table B shows the number of persons performing at the eighth grade level or below in the sample population who have enrolled in remedial courses to date. In the reading course, 84% of those enrolled received a grade of C or better; in math, 67% received a C or better; while in language arts, 76% received a C or better. Seventy five percent of all students who completed a remedial course did so with grades of A, B, or C. Considering that all of these students performed at eighth grade level or below on the initial test, the increase in their functional level is apparent.

To grasp more fully why the sample population of post-secondary inmate-students had such a high incidence of severe academic deficiencies, a study of their pre-college academic backgrounds was undertaken. Of the four hundred eighty nine students in the sample, thirty one percent (152) completed a high school degree prior to incarceration, and forty one percent (200) received the GED certificate during their incarceration, and twenty eight percent (137) received a high school degree in Lebanon's secondary level program. A random sample of eighty six (30%) of the two hundred and eighty nine persons who received high school degrees either prior to or during imprisonment were selected for intensive study. From existing high school records, three pieces of information wer sought: the location of the high school; class rank at time of graduation; and grade point average, based on a four point scale.

Tables C and D indicate the results of the high school backgrounds analysis. Eighty seven percent (75) of the sample graduated from civilian high schools while thirteen percent (11) graduated in prison.

Table C illustrates rank in quartiles, and it indicates that sixty five percent (38) of the sample graduated in the lower half of their class, and forty one percent (24) graduated in the fourth quartile.***

Finally, Table D delineates GPA statistics. Although grade point data on forty percent of the sample was not available,**** the GPA data supports the inference arising from the quartile data that high school graduates in the sample were low achievers. Ninety three percent of the sample (46) had GPA of 2.9 or below and forty five percent (22) had averages of 1.9 or below.

From this information, a profile can be drawn of the average high school graduate who entered the post-secondary program under study. He is twenty on and one half years of age, probably white, although the racial distribution was about even. He barely completed high school with a low passing grade and graduated in the third or fourth quartile of his class.

*** 27 students with institutional high school degrees were not assigned a class rank.

**** Grade Point Average data for forty three percent of the sample population was not available. Of those whose GPA data was missing, twenty six came from civilian high schools, while eleven came from institutional programs.

TABLE B

Remedial Coursework Data

Remedial Course	N	N≥C	%≥C
Read	31	26	84
Math	46	31	67
Lang	51	39	76
	128	96	75

TABLE C

Quartile Ranking

Quartile	#	%	
I	5	8	> 35%
II	16	27	
III	1[illegible]	24	> 65%
IV	2[illegible]	41	
	N=59	100%	

TABLE D

GPA

GPA	#	%
3.0 - 4.0	3	6
2.0 - 2.9	2[illegible]	48
1.0 - 1.9	22	45
	N=49	57%
NA CIV.	26	43% not available
NA INST.	11	
Total	N=86	

SUMMARY

From the foregoing data, several themes can be abstracted. First, in terms of the CTABE study, the majority (59%) of the sample population received a high school degree either prior to or during incarceration. Only forty one percent received GEDs. Secondly, examining both the high school graduates and the GED holders, competency levels in math, reading and language arts are woefully inadequate, and in some cases, are indicative of learning disabilities or functional illiteracy. Over forty seven percent of the sample scored below eighth grade competency levels in language, thirty eight percent in math and nearly seventeen percent in reading. Because these individuals have successfully completed the stated requirements to earn and hold a high school diploma or GED, they cannot rightfully be required to "re-earn" the same diploma. Yet the low functioning levels of comprehension in these three crucial areas of learning are such that post-secondary programs are performing vital functions left undone by primary and secondary schools throughout the nation.

PART II: LEGAL AND POLICY DIMENSIONS OF INMATE ILLITERACY

In view of the severe academic deficiencies among inmates in post-secondary programs, it would seem natural for policy makers to support post-secondary correctional education, for few barriers to successful offender reintegration loom larger than illiteracy. However, in the 1980-82 congressional term, two separate bills were proposed denying inmates eligibility for federal post-secondary educational assistance. Representative Whitehurst (R-Va) introduced a bill disqualifying inmates from the Pell grant program and creating a more limited block grant to the states for post-secondary correctional education;***** and Representative McGrath (R-NY) sponsored a bill amending the Higher Education Act of 1965 to prohibit inmates from eligibility for Pell grants, federal work study programs, and student loans.******

While neither of these bills had enough support to become law in the 1982 session, restrictions on inmate educational programs have become law in a number of states throughout the country. In Tennessee, for example, corrections education has bee abolished outright, and in Ohio, inmates facing more than five years to the parole board are ineligible for state post-secondary educational aid. On the federal level, several bills have been introduced that would provide new sources of revenue for corrections education,******* but such bills have been introduced in previous terms without success. Moreover, because the Higher Education Act of 1965 is up for renewal in 1985, inmate access to post-secondary educational entitlements is likely to be reexamined within the context of bipartisan efforts to reduce the federal budget. Because public resentment against affenders is a constant threat to corrections education, and as relatively few persons grasp the vital role that education plays in the develpment of a cost-effective approach to corrections, it is

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***** The Whitehurst Bill, H.R. 5993, was introduced March 30, 1982.

****** The McGrath Bill, H.R. 6574, was introduced June 10, 1982

******* See for example the proposed Federal Correctional Education Assistance Act, H.R. 3684, introduced by Congressman John Conyers, Jr. (D-MI).

imperative that corrections educators look to the judicial system to supplement legislative initiatives in support of their cause. Courts offer not only a means by which new educational programs can arise,******** but they also offer an effective avenue of resisting and ultimately overturning restrictive legislation.

Among the possible methods of changing restrictive laws in the field of corrections education is a constitutional attack on such legislation. Such a suit would be on the cutting edge of the law, and its outcome would be uncertain. Nevertheless, the Supreme Court has recently decided several key cases involving an alleged right to education, including Plyler v. Doe, 457 U.S. 202 (1982), and San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973). A careful study of these cases indicates that there may be merit to the proposition that inmates, as a discrete and insular minority, cannot be absolutely deprived of educational benefits extended to other persons by the state.

The major vehicle of constitutional protection for corrections education programs is the Fourteenth Amendment Equal Protection Clause and, more specifically, the fundamental rights strain of equal protection that arises under this clause. This doctrine mandates that government cannot create classifications denying certain classes of persons fundamental constitutional rights unless the legislation furthers a compelling interest. What qualifies as a fundamental right is an open question, but a majority of the Court has agreed that in order to qualify, the asserted "right" must be expressly or implicitly recognized in the text of the Constitution. As applied to legislation restricting inmate access to state or federal educational assistance, the issue, narrowly drawn, is whether education qualifies as a fundamental right. The most recent case to address this question was Plyler v. Doe, supra, in which a Texas statute that withheld state educational funds from illegal alien school children was struck down under the Equal Protection Clause.

In declaring the Texas statute constitutionally infirm, the Court noted that while education did not rise to the level of a fundamental right, it was nevertheless a valuable interest worthy of judicial protection. Justice Brennan writing for the majority, phrased the argument thusly:

> "Public education is not a "right" granted to individuals by the Constitution.... But neither is it merely some governmental benefit indistinguishable from other forms of social welfare legislation. Bothe the importance of education in maintaining our basic institutions, and the lasting impact of its deprivation on the life of the child, mark the distinction." Plyler, supra, at 221.

Compounding the need for judicial protection was the fact that educational entitlements were denied to the plaintiff-schoolchildren on the basis of their status as illegal aliens. Because this status is not immutable and could be altered by compliance with immigration laws, the burden of the Texas statute fell squarely on innocent children who had merely followed their parents across the border illegally. Taken together, these two factors placed a strong burden on the state of Texas to justify its rule. As the Court put it:

> "The inability to read and write will handicap the individual deprived of a basic education each and every day of his life. The inestimable toll of that deprivation on the social, economic, intellectual, and psychological well-being of the individual, make it most difficult to reconcile the cost and principle of a status-based denial of basic education with the framework of equality embodied in the Equal Protection Clause." Plyler, supra, at 222.

To meet this burden, attorneys for the state of Texas argued that the statute served three significant interests: first, it "preserved limited resources for the education of lawful residents"; second, it enabled public scools to avoid being saddled with the special burdens of teaching illegal alien children; and third, it singled out illegal alien children for exclusion since they, unlike other children, were less likely to remain within the state to put their education to productive use. The Court rejected each of these arguments. The first asserted interest was insufficient justification for the discrimination since it merely described the intention to discriminate, rather than giving a reason for it. THe second interest was deemed unsatisfactory because no evidence had been presented at trial documenting whether the exclusion of illegal aliens would improve the educational quality of the state school system. Finally, the court found the third asserted interest unpersuasive since there was no assurance that any school, legal resident or not, would remain in Texas to benefit the state. The Court concluded its analysis with this warning:

> "It is difficult to understand precisely what the State hopes to achieve by promoting the creation and perpetuation of a subclass of illiterates within our boundaries, surely adding to the problems and costs of unemployment, welfare, and crime. It is thus clear that whatever savings might be achieved by denying these children an education, they are wholly insubstantial in light of the costs involved to these children, the State, and the nation." Plyer, supra, at 230.

******** See e.g., Canterino v. Kentucky Correctional Institution for Women, in which incarcerated females successfully sued a state department of corrections on the grounds that privileges at women's prisons were unequal to those in institutions for men. As a result of the suit, vocational and educational programs were established in the Kentucky Correctional Institution for Women in Louisville.

As applied to the effort to protect inmate educational entitlements from the vicissitudes of legislative policy making, the Plyler decision is significant for several reasons. First, while the Court held that education is not a fundamental right and does not trigger the compelling state interest test, it did subject the Texas statute to a "mid-level" substantial state interest test. This means that the Court regards education as an important enough value to require the state to justify discriminatory educational laws with a showing of a substantial state interest therefor The substantial state interest test is a test "with bite" in the sense that it is not easy to meet. Justifications based on mere financial exigency are insufficient, and conclusory arguments such as "preserving limited state resources for lawful residents" likewise fail. For corrections educators, this is crucial, as it is foreseeable that legislation excluding inmates from educational entitlements will be justified on the basis that limited governmental resources should be reserved for law abiding persons. But as Justice Brennan Perceptively noted, such a "justification" merely restates an intent to discriminate and is therefore not a justification at all.

A second element of note in the Plyler decision was the status of the plaintiff-school children. As noted, they could not rationally be held accountable for the illegality of their presence in Texas Classification schemes based on incarceration differ from those confronted in Plyler in that inmates are personally responsible for their status as felons. Therefore, they may not be in as advantageous a legal position as the plaintiffs in Plyler. But this deficiency should not end the inquiry. The examination of a second case on point, San Antonio Independent School District v. Rodriguez, supra, indicates that inmates' status as an indigent minority group saddled with an absolute denial of educational benefits extended by the state to others may be sufficient to overcome personal responsibility for their inmate status.

In Rodriguez, residents of a school district with a low property tax base challenged a Texas statute that based educational financing, in part, on the assessed value of real property within the district. The plaintiffs argued that because poor persons residing in low property tax districts had fewer fiscal resources with wich to fund local public schools than persons residing in high tax districts, the satute constituted wealth discrimination and infringed on the "fundament right" of education. The Court disagreed, ruling that there was no discrimination against a "definable class of persons" and that there was no absolute deprivation of education for the disadvanataged class. The absence of a definable class arose from the fact that it was unclear whether "poor" reffered to outright idigency, relative wealth, or mere residency in a poor school district irrespective of personal wealth. And the existence of a second form of public support for education, wich gave equal amounts to each school district on a per capita basis without reforence to the local property tax base, meant that an adequate level if education was available for all.

Rodriguez is therefore distiguishable from the test case contemplated here in several respects. First, the disadvantaged class, inmates denied governmental support for higher education, is well-defined on the basis of absolute indigency. Annual income for persons incarcerated during the entire year is far below the national poverty level, and each inmate in the affected class would be similarly situated. Secondly, ammusing that legislation such as the McGrath bill or the restriction currently in effect in Tennessee is the law under challenge, the deprivation would be absolute rather than relative. Thus, the situation more closely resembles that of Plyler where the challenged statute was struck down, rather than Rodriguez where the statute was upheld.

Finally, because the academic abilities of post-secondary inmate-students are seriously deficient, restrictive legislation would have the effect of denying instruction in basic level skills to a class of persons who are denied participation in the political process.********* Even in decisions such as Plyler and Rodriquez where the Court expressly held that education was not a fundamental right, crucial lanquage in both decisions indicates that a majority of justices would be troubled by an arbitrary denial of basic instructional entitlements. For example, Justice Powell's majority opinion in Rodriguez contains the following disclaimer:

> "Whatever merit appellees' (fundamental rights) argument might have if a State's financing system occasioned an absolute denial of educational oppurtunities to any of it's children, that argument provides no basis for finding an interference with fundamental rights where only relative differences in spending levels are involved...." Rodriguez, supra, at 36-7.

And in his separate opinion in Plyler, Powell stated: "These children should not be left on the streets uneducated." Plyler, supra, at 238 (separate opinion of Powell, J.). Therefore, the closer to complete deprivation of basic level instruction the legislation comes, the more susceptible it is to constitutional attack.

The constitutional infirmity inherent in legislation barring inmate access to educational entitlements does not turn on a finding by the court that education is a fundamental right. Instead, it is based on the argument that under the mid-level significant state interest test used in Plyler, the state would be unable to demonstrate a significant interest justifying the absolute denial of educational entitlements used for basic level instruction to a distinct class of indigent persons who, by reason of incarceration, are denied participation in the majoritarian political process. This argument, it is submitted, not only makes good law, but good public policy as well.

********* The fact that incarcerated individuals are barred entirely from the political process is significant for purposes of determining the level of scrunity the Court will give to statutory classifications discriminating against offenders. Because inmates are without redress in the political of legislative sphere, higher levels of judical scrutiny may be appropriate. See U.S. v. Carolene Products Co., 304 U.S. 144, 152 at note 4 (1938).

While the literature does not suggest a direct causal link between inadequate educational skills and criminal activity, such a relationship has long been suspected by knowledgable commentators. Barbara Bush, wife of Vice President, George Bush, is one such individual. In a recent article, she summed up the cycle this way: "I'm trying to remind people there's a direct correlation between crime and illiteracy, between illiteracy and unemployment."********** Be this as it may, it can be said with virtual certainty that those who are unable to participate fully in our society constitute an "at risk" population for illegal activity. Inability to qualify for and maintain work, manage a home, make informed decisions, and many other tasks of living requiring a minimum of educational skills are beyond the reach of this population.

Institutionalized populations are already over represented in the class of persons who are least likely to succeed in contemporary society. The factors tht frequently lead to incarceration to begin with, youth, racial minority status, and socioeconomic class, will continue to accompany them after release. Most of these persons experience their first formal failure in school. Rejection in school often precipitates a cycle of dropping out of productive and successful activities, and reinforces an expectation that such persons are superfluous members of society. The opportunity to experience education again is not afforded to most members of the American pedagogical system. That such "unqualified" recruits should prove capable of becoming successful college students is a potent reminder that what is at issue here is not ability but training.

While it may be argued that as possessors of a high school degree or a GED certificate, post-secondary level inmates have no cause for compplaint for the denial of basic level instructional entitlements, this argument flies in the face of known fact. As the Project Talents data shows, post-secondary correctional education programs contain a high incidence of functionally illiterate persons who, by virtue of holding the proper educational certificates, cannot return to Adult Basic Education, high school, or GED classes. Post-secondary programs in American prisons inherit failures and pass-alongs from educational programs nationwide. In a very real sense, correction educators are saddled with the yeoman's task of teaching pass-along students with disfunctional behaviors commonly associated with limited competency. Yet, post-secondary prison education programs successfully reach a high percentage of their students, as the evidence in this study shows. Finally, when it is realized that ninety five percent of those currently incarcerated will return to society, it is apparent that post-secondary education programs play a vital role in altering destructive views of self and society in offenders. As such, these programs are deserving of public support and affirmative legislative action. And, if the thesis advanced in this paper is compelling, they are deserving of judicial protection as well.

********** "Ahead, A Nation of Illiterates", Stanley Wellforn, U.S. News and World Report, May 17, 1982. p. 53-6.

POSTSECONDARY CORRECTIONAL EDUCATION PROGRAMS: THE NATURE AND BENEFIT OF HIGHER EDUCATION FOR ADULT INMATE-STUDENTS IN THE UNITED STATES

BY

Ken Peak, Ph.D.
University of Nevada-Reno

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ABSTRACT

This paper discusses the findings of a 1983 national survey of correctional education programs in state penal institutions for adults. Specifically, respondents were asked to provide personal and programmatic information as well as subjective views toward contemporary issues in post-secondary correctional education. There were 205 participating penal institutions in this research project.

Although the study focused generally upon the nature of postsecondary programs and the perceived benefits of academic participation, the major purpose of the study was to analyze the methods of program delivery -- by types of institutions of higher education contracting to provide postsecondary course offerings -- and to determine which, if any, type of institution of higher education was the most efficacious in that endeavor.

I. INTRODUCTION

Two of the oldest and most fundamental of the nation's social systems are those that educate and those that deal with lawbreakers. The ultimate goal of both systems is to facilitate the growth and development of the individual and society (Marsh, 1973). Education, as popularly understood, means the process or product of formal training in schools or classrooms. In a broader sense, education includes all the life experiences that shape a person's attitudes and behavior. Education in prison has been viewed both ways; hence, "education" of prisoners is almost synonymous with "treatment" of prisoners (Sutherland and Cressey, 1978).

This broad conception of prison education may be observed in the New York State Correctional Law:

> The objective of this (prison education) program shall be the return of these inmates to society with a more wholesome attitude toward living, with a desire to conduct themselves as good citizens and with the skill and knowledge which will give them a reasonable chance to maintain themselves and their dependents through honest labor. To this end, each prisoner shall be given a program of education which, on the basis of available data, seems most likely to further the process of socialization and rehabilitation (chaper 864, section 136).

In this broad sense, the problem of prison education is essentially a problem in rehabilitation. Prison education requires a conversion, a transference of allégiance from one group to another so that the inmate is not receptive to criminal-behavior patterns (Sutherland and Cressey, 1978).

Education programs in prison are not a new phenomenon. Religious orders have been interested in the religious instruction of prisoners since the origin of imprisonment. During the medieval and early modern periods, preachers and priests visited the lockups more or less regularly and conversed with prisoners in congregate or separate meetings. Some of the early houses of correction had resident chaplins who, in addition to holding regular religious services, attempted to teach the elementary subjects, especially to children confined in those institutions. The first recorded instance of retular visitation of prisoners in America was just before the Revolutionary War, when the Quakers of Pennsylvania discussed theological tracts with prisoners. The development of secular education in prisons followed those efforts. But these early efforts to introduce secular education in prisons met with some resistance. The warden of Auburn prison in 1824 successfully opposed an attempt to teach the younger convicts to read and write. His opposition was based on his belief that an educated convict increased the danger to society. The same fear was expressed in England about this time (Lewis, 1922).

The first organized correctional education work in America started in the New York House of Refuge. Provision was made for two hours of school a day for each child, devoted to reading the New Testament and listening to lectures and talks by the superintendent. The first legal recognition of academic education as desirable tin adult state prisons or reformatories was in 1847 when the legislature of New York provided for the appointment of two teachers to give instruction in English, for each of the state prisons (Klein, 1920). Within a short time, prisons in other states made similar provisions.

The greatest stimulation to the development of prison schools came after the war between the states, with the increasing popularity of the interventionist philosophy. The nonpunitive, constructive measures advocated for use in the attempt to change inmates were largely educational. A growing faith in the importance of formal education to all citizens in a democracy and to the "good life" also permeated prisons. The logic was that if the good citizens were the educated citizens, then the education of the bad citizens (prisoners) should also make them good.

The American Prison Association (later remaned the American Correctional Association) was founded in 1870. Among the thirty-three points it its first Declaration of Principles was one to promote academic and vocational training programs. From 1870 to 1929 correctional education was committed to rehabilitation through mental self-discipline. This is expressed in the words of Zebulon R. Brockway, the first superintendent of New York's Elmira Reformatory.

> Education was not introduced to relieve the monotony of imprisonment, but to discipline the mind and fit it to receive ...the thoughts and principles that constitute their possessors good citizens. Attendance upon the school is made obligatory, and the intellectual tasks are required, as are the industrial. All prisoners who attend school are supplies with a light in their cell for study, and all draw books from the library. Every Saturday ...all prisoners in the institution (now numbering 440) assemble in the chapel to listen to a lecture. This is the crowning feature of our educational effort (Wines, 1873, pp. 64-65).

Education, then, consisted predominantly of independent study and weekly lectures during the developmental period of correctional education.

The year 1929 is often cited as the beginning of a modern and comprehensive trend in correctional education. During 1927 and 1928, Austin MacCormick conducted a survey of correctional education which resulted in the first publication on the subject, The Education of Adult Prisoners, in 1931. MacCormick did not find a single complete and well-rounded educational program.

He stated that:

> If we believe in the beneficial effect of education on man in general we must believe in it for this particular group, which differs less than the layman thinks from the ordinary run of humanity. If on no other grounds than a general resolve to offer educational opportunities to undereducated persons wherever they may be found, we recognize that our penal population constitutes a proper field for educational effort. In brief, we are not ready to make its efficacy in turning men from crime the only criterion in judging the value of education for prisoners (p. 3).

This survey and text have been credited with the stimulation of modern programs in correctional education (Frank, 1951).

Marsh (1973) stated that the stimulation of correctional education can also be attributed to other changes that occurred during this period, viz., a high school education was becoming the rule rather than the exception; the purely manual, unskilled positions in the labor market had begun to disappear; a migration from the rural areas to the cities had begun; an adult education movement was developing; and various economic and welfare programs were initiated as part of President Roosevelt's "New Deal" (p. 141). Cavan (1955) noted that there were discernible changes in corrections during this same time, such as the disintegration of the prison industry system; the use of the Federal Prison System as a "standard" for the states to follow; and the treatment of criminal and delinquent behavior as a manifestation of a need for extensive socialization skills.

The following are examples of the growth that took place in correctional education after 1930:

1. More than 50 percent of all inmates in federal institutions were enrolled in education programs in 1933 and 1934 (U.S. Department of Justice, 1935);

2. A 1941 survey showed that one-fourth of the population in forty-four state prisons and almost one-half of the population in seventeen state reformatoties were involved in education programs (Sutherland and Cressey, 1960);

3. The late 1940's and early 1950's saw the beginnings of innovative and nontraditional prison education programs such as "social education," airplane mechanics training, and electronic data processing instruction (Roberts, 1971); and

4. General Education Development testing and supportive education programs were in operation in forty-nine states in 1972. Many of these states, however, reported that these programs were not present in all of their penal facilities (Marsh, 1972).

By the 1950's these programs produced numbers of inmates who wanted to continue their education beyond the secondary education level via access to college-level courses. Concurrently, colleges and universities located near prisons began to compete with the correspondence schools by providing instructors who went into the prison and taught classes directly to the inmates. During the 1960's and early 1970's, the number of programs offered inside prisons by colleges and universities increased rapidly (Thomas, 1981).

Correctional education programs also were extablished across Europe. Kerle (1974) visited thirty-five penal institutions in nine different Europena countries to observe prison systems, finding that they all made available to inmates some adult basic education programs; however, he found nothing comparable to the college-level programs provided inmates in the United States.

While education has traditionally been a component of correctional programs, the two systems, education and corrections, have remained separate and distinct. Marsh (1973) believed that this combining of educational and correctional resources to meet common goals is a relatively recent development. Today, the tern "correctional education" is found to encompass a variety of educational programs. Bell, et al., (1977), reported that the components of this term are as follows:

1. Adult Basic Education ("ABE") -- designed to raise the achievement level of the pre- or semi-literate incarcerated adult to approximately the ninth grade level in reading and mathematics;

2. Secondary Education ("SE") -- programs which allow the incarcerated adult the opportunity to receive the equivalency of a high school diploma, normally through the preparation for, and the passing of, a General Education Development (GED) test;

3. Vocational Education ("VOC") -- education which relates job skill training to specific occupational goals;

4. Social Education ("SOC") -- classes which focus on reorienting the inmate with the norms and socially acceptable behavior patterns of free society, and

5. Postsecondary Education ("PSE") -- courses taken for college credit by inmates possessing a high school diploma or GED certificate.

The issue of educating adult offenders has undergone considerable review beginning with the decade of the '70's. Growing attention and debate are focused on the nature, scope, and effectiveness of the educational programs that are available to inmates of state and federal prisons. Halleck and Witte (1977), however, stated that a change of attitude among criminal justice administrators and citizens has made it difficult and in some cases almost impossible to obtain support for correctional programs. This change of attitude is one of people's becoming fed up with rising crime and concluding that the rehabilitation system is educationally bankrupt and not reforming criminals. Prisons, as a result, began about a decade ago to turn from rehabilitation to punishment as their primary purpose (Allen, 1973; Carlson, 197[illegible]; Dillon, 1975). However, Enocksson (1981) wrote that "The average offender has a multiplicity of problems. The positive use of his or her time during the period of incarceration, the possibility and tools offered him or her to change, are perhaps enough reasons for not discontinuing programs" (p. 16).

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About 80 percent of the corrections budget in a typical institution is spent on custody, not treatment. There is a growing awareness that the lack of educational and job skills is unusually high among inmate populations. Enocksson (1981) pointed out that two of the primary reasons for offenders' problems in the world of work are their lack of education and lack of vocational skills. There is a correlation between education, marketable skills, and job success. Enocksson also reported that 40 percent of all inmates in United States jails in 1971 were unemployed at the time of their admission.

Research has also revealed a considerable amount of evidence that the majority of all prisoners lack a marketable skill nad have no history of stable employment, regardless of their academic achievement (Bennight, 1975; Duffy and Vandersteen, 1975). It also has been shown that if an offender possesses a marketable skill, employer objection to his or her criminal record is reduced significantly (Bennight, 1975). McKee (1970) found that one of the most frequent reasons cited by employers for not hiring offenders was the demand for higher levels of education and participation in rehabilitation and training programs. Further, it is clear that relevant education and skills training are absolutely crucial in order to meet the changing demands of the American labor market. Naisbitt (1982) stated that

> It is now clear that the postindistrial society is the information society. With most of us no longer manufacturing goods, the assumption is that we are providing services. The overwhelming majority of service workers are actually engaged in the creation, processing, and distribution if information. (Seventy-five percent) of all jobs by 1985 will involve computers in some way (pp. 6-20).

II. METHODOLOGY

This chapter describes the research design and instrumentation used in the study. The sampling and data collection procedures and methods are also included.

Research Design

In this study, information was gathered and analyzed to provide a comprehensive profile of state correctional education programs and to determine the most efficacious means of program delivery, by type of educational institution, to the penal institution. The study was condicted using a survey instrument with a self-administered, mail-back questionnaire technique. This design is particularly useful in describing the characteristics of a large population (Babbie, 1979) and for examining the distribution of any given phenomenon in a population (Philliber, Schwab, and Sloss, 1980). The aim in descriptive research is to ascertain the size, distribution, and interrelationships of variables (Mayer and Greenwood, 1980). Specifically, relationships were sought amoung selected characteristics and (a) public, two-year; (b) private, two-year; (c) public, four-year/graduate; and (d) private, four-year, graduate institutions of higher education providing the course offerings. The selected characteristics were:

1. admissions criteria

2. budget figures
3. credit hours offered
4. credit hours taken
5. number of faculty provided
6. privision for study-release
7. academic (major) areas of study
8. financial aid programs available
9. geographic locations of penal institutions

Demographic information was also compiled relating to the on-side directors of these programs and the penal institutions offering the programs. The directors were asked about their perceptions of the benefit, if any, that inmate-students derive from participation in correctional education programs. This related to the question of efficacy of the programs. The directors were asked, further, to provide information about the prognosis for their programs in selected areas, given the existing economic difficulties; the priority assigned to the program; and the problems attendant to program delivery.

Sampling

The unit of analysis was the individual program of postsecondary correctional education. The survey of these units of analysis was limited to the adult penal institutions offering these programs in the fifty states, plus the District of Columbia. The mailing list was generated through telephone contacts with government personnel in each of the fifty states, usually central office correctional education administrators; these telephone contacts commenced on June 8, 1982. The central office administrators provided the names and addresses of program directors and penal institutions offering PSE programs in their respective state. In all, 297 correctional institutions were identified as having postsecondary offerings and were asked to participate. A copy of the survey instrument was sent to all of these program directors. These penal institutions had varied methods of delivery of academic programs.

Instrumentation

The instrument was new in terms of format and question selection, and was developed by the researcher; no replicable instrument of this sort and for this purpose was found to exist. A preliminary draft was developed by the researcher which seemed appropriate for answering the research questions. Then the draft was reviewed for face validity by a panel of experts, consisting of three tenured professors of education at a Midwestern university who teach research methods. The instrument was also reviewed for appropriateness of criminal justice at a Midwestern university. The instrument was then submitted for final critique to the dissertation committee, whereupon additional revisions were made. Prescribed guidelines for questionnaire content by relevant authors (Babbie, 1979; Selltiz, 1972; and Young and Veldman, 1981) were followed throughout.

Hypotheses

The major hypothesis of the study was that significant differences would be found among the four major types of institutions of higher education (defined in the hypotheses and hereinafter as "types of program delivery") that contract with penal institutions to deliver the postsecondary education programs. This study was to determine the type of educational institution that provided the most faculty, academic (major) areas of study, financial aid programs, and credit hours offered; was most apt to provide study-release; and had the most different costs incurred in program delivery. It was further hypothesized that there would be significant differences found in these variables depending upon the geographic region the penal institutions were located in. The basis on which the null hypotheses were to be rejected was that the programs would not be found to differ significantly in the aforementioned selected characteristics.

The following were the null hypotheses:

Ho_1: There are no differences among the types of program delivery in the number of criteria used for admission of inmates into postsecondary education programs.

Ho_2: There are no differences among the types of program delivery in the number of dollars spent per inmate-student.

Ho_3: There are no differences among the types of program delivery in the number of dollars spent per credit hour offered.

Ho_4: There are no differences among the types of program deliveryin the number of credit hours offered.

Ho_5: There are no differences among the types of program delivery in the number of faculty members provided for instruction.

Ho_6: There are no differences among the types of program delivery in the provision for study-release.

Ho_7: There are no differences among the types of program delivery in the number of academic majors available to the inmate-students.

Ho_8: There are no differences among the types of program delivery in the number of financial aid programs available.

Ho_9: There are no differences among the geographic locations of the penal institutions offering postsecondary correctional education programs in the following areas:

a. number of dollars spent per inmate-student

b. number of credit hours offered

c. number of dollars spent per credit hour offered

d. number of faculty members provided for instruction

e. ratings of effects of education on inmate-students

f. number of criteria used for admission in inmate-students into postsecondary programs

Data Collection

The purpose of the study was explained briefly in a cover letter to prospective participants. This letter was included in an envelope along with the questionnaire and a stamped, addressed return envelope and mailed on July 6, 1982. One letter was sent to each of the 297 penal institutions on the mailing list, addressed to the person whose name had been given by the state corrections agency as the director or coordinator of the PSE program. A follow-up letter was also sent; in all, 205 penal institutions responded (a 69 percent response rate); 186 of them reported having PSE correctional education programs.

Data Analysis

All data analyses and correlations of data drived from the questionnaire were performed with the analysis of variance ("ANOVA") method, with the use of the "SPSS" computer program, during the spring of 1983. The independent variables were types of institutions of higher education providing the educational offerings, and geographic locations of the penal institutions; the dependent variables were those factors itemized in the hypotheses.

III. FINDINGS

This section of the paper discusses characteristics of the sample, tests of the hypotheses, and correlations of the data there were performed with information obtained through the questionnaire. Findings as related to PSE correctional education, as well as the implications for PSE in state prisons, are also presented.

SAMPLE CHARACTERISTICS

Penal Institutions

Of the 297 penal institutions surveyed, 205 institutions participated in the study. The response rate from these institutions, all state penal institutions for adults, was 69 percent. Of these 205 penal institutions, 186 indicated that they had PSE correctional education programs.

Of the participating institutions, 92 (or 44.9 percent) were located in the South; 28 (or 13.7 percent) were located in the West; 39 (or 19 percent) were located in the Northcentral region of the United States.

Fifty-eight (or 28.3 percent) of the institutions surveyed were built over fifty years ago; 43 (or 21 percent) were 31-50 years old; 50 (or 24.4 percent) were built 11-30 years ago; and 50 (or 24.4 percent) were built within the last ten years.

Nature of the Programs

Of the 186 penal institutions indicating a PSE correctional education offering, 59 (or 32.1 percent) began providing college-level courses to inmates within the last five years; 79 (or 42.9 percent) initiated PSE programs 6-10 years ago; 43 (or 23.4 percent) began 11-20 years ago; and three (or 1.6 percent) were begun over 20 years ago.

The directors were requested to provide the most recent budget figure allocated to support their respective correctional education program for the last academic year. The responses revealed that correctional education program funding was diversified; many institutions (34 or 18.3 percent) indicated that they were not allocated a dollar-figure budget per se, but were instead funded through a variety of other sources. Further, the data indicated that, where a dollar amount was allocated, almost 60 percent were apparently relatively small programs with an annual budget of $35,000 or less. Only two respondents indicated that they received a dollar figure and also used grants, loans, scholarships, and so forth, concurrently.

Enrollment figures were also requested for the last academic year. Although about 40 percent of the institutions with PSE programs had less than 75 students enrolled during the last academic year, there was an even distribution overall, up to the 400 students-per-year level. There were about the same percentages of institutions that had fewer than fifty students as there were 101-250; further, about the same number of institutions had 76-100 as there were that had 251-400. Less than ten percent reported programs with an annual enrollment of more than 400 students.

Regarding the numbers of credit hours offered and taken by inmate-students, over one-third of the institutions reported having fewer than forty credit hours offered, and less than 200 credit hours taken, during the previous academic year. Another one-third reported having 60 to 120 credit hours offered.

State penal institutions were found to be engaged in a variety of contractual arrangements with institutions of higher education ("IHEs") that provided the PSE offerings. Table 1 shows the thirteen types, and combinations of types, of IHEs used for program delivery. Over one-third of the penal institutions contracted with a public, two-year IHE.

It was also found that most faculty used in the delivery and instruction of PSE programs were part-time employees, and that most used fewer than ten part-time instructors. Over 60 percent of the respondents reported prison libraries with less than 1000 holdings (textbooks, no journals or magazines) available for PSE correctional education studies. Another 60 percent reported having fewer than six academic majors (i.e., areas of study, such as psychology, history) available for inmate-students.

The most common criterion used for admission into PSE programs in the U.S. is possession of a high school diploma (82 percent); however, over two-thirds of the respondents consider the inmate's motivation and interest; one-third took into account the inmate's time remaining in his sentence. It was also found that inmate-students could qualify for and receive all forms of financial aid commonly available to "free world" students. Very few (8 percent) allowed inmate-students to attend classes at the college campus ("study-release"), however. Academic counseling was available at most (94 percent) of the penal institutions, though, where the lecture method of instruction was used most commonly (83 percent).

The Benefits Of, and Prognosis For, Correctional Education

Directors were requested to provide subjective information on a broad range of reas and issues. Generally, it can be said that the directors/ respondents observed a somewhat positive change in inmate-students, with a very positive change in self-concept, because of the academic experience. However, about 60 percent of the directors indicated that a medium, low, or very low level of consideration is given the academic experience when the inmate-student appears before his parole board.

While over 40 percent of the respondents indicated increasing enrollments at their institutions during the previous three years, they had tended to see stability in program budget, number of faculty, and number of course offerings. They were optimistic about PSE developments during the three-year period into the future, and predicted continuing increases in inmate-student enrollments. Stability was predicted in the number of course offerings, number of faculty, and number of available major courses of study.

Almost half (47 percent) of the respondents felt that *recidivism* to be an unfair method of assessing PSE program effectiveness, although it *is* used in 48 percent of all effectiveness studies.

Analysis of Survey Data

To gain further insight as to the nature of PSE correctional education, the responses to the tiems in the questionnaire were grouped and summed; frequencies and means were computed, and correlations were performed using the analysis of variance statistical method. The "Statistical Package for the Social Sciences" (SPSS) computer program was used. Where significance in relationships was found using analysis of variance, the Chi-square test was used to determine where the differences existed.

Specifically, selected variables were correlated with the independent variable, "type of institution of higher education" providing the course offerings, to determine if a particular type of IHE (e.g., two-year, public; two-year, private) was most beneficial and efficacious in program delivery.

The variables (i.e., dependent variables) correlated with the types of IHEs were:

a. number of criteria used for admission of inmates into PSE programs

b. number of dollars spent per inmate-student

c. number of dollars spent per credit hour offered

d. number of credit hours offered

e. number of faculty members provided for instruction

f. provision for study-release

g. number of academic (major) areas of study

h. number of financial aid programs available

Correlations were also made for the independent variable "geographic location" (of the penal institutions) by the four regions of the U.S. The dependent variables correlated with geographic locations of the penal institutions were:

a. number of dollars spend per inmate-student

b. number of credit hours offered

c. number of dollars spend per credit hour offered

d. number of faculty members provided for instruction

e. ratings of effects of education in inmate-students

f. number of criteria used for admission of inmate-students into PSE correctional education programs

To summarize the findings of the correlations, there were no significant differences found to exist between any of the above variables. In other words, it did not matter which type of IHE provided the course offerings or where the penal institution/PSE program was located, with respect to the above listed variables. Several supplemental correlations were performed of other variables and there were significant relationships found, however, There was a highly significant relationship found between the budget figures allocated and types of institutions providing the program delivery (a high number of budgets in the $140,000-200,000 category where a combination of public, two-year and public, four-year IHEs provided academic offerings), for example.

Of the 178 responses to inmate enrollment size, there were a total of 30,349 inmate-students represented in the survey. The mean was 170.5, with a median of 90.5 and a mode of 50.00.

IV. SUMMARY, IMPLICATIONS, AND CONCLUSIONS

The purpose of this study was to obtain demographic information from directors of postsecondary correctional education programs, concerning the programs and the directors themselves (i.e., attitudes). Further, the purpose of the study was to examine whether significant differences existed in the program delivery systems of higher education offerings within state penal institutions for adults. A survey instrument, completed by the directors of the PSE programs at the state penal institutions, provided the baseline data.

The findings of the study could be important for the directors of the programs, administration and staff of the penal institutions, and inmate-students engaged in the delivery or as consumers of postsecondary correctional education.

Summary of Findings

About half of the penal institutions participating were located in the

South and were as likely to have been built over fifty years ago as they were less than ten years ago. Most offered PSE programs to inmates that led to the associate's degree and began offering college-level courses to inmates during the past ten years.

The "Dean of Education," or director of the correctional education programs at the penal institution was typically a Caucasian male, in the 31-40 years of age category, possessed a master's degree, had held his present position less than ten years, and was a correctional education faculty member prior to accepting his present position. His operating budget for PSE programming was quite possibly unknown, difficult to compute, or provided through financial aid programs.

The director probably worked with a public, two-year IHE that contracted to provide the PSE course offerings and instruction. There was typically a small library available in the prison for use by the inmate-students, who generally pursued their coursework within the walls of the penal institution. The faculty members were largely part-time and used the lecture mode of instruction. The director tended to feel that correctional education was of positive benefit to inmates, and felt strongly that the inmate's self-concept was enhanced by the educational experience. Having seen correctional education at his prison remaining stable or increasing in various program elements in recent years, the director was optimistic overall about correctional education during the next three years, with notable optimism toward increased inmate enrollments. Inmate participation in educational programs was not generally given favorable or unfavorable consideration for parole, however, according to the directors.

Implications

It should be emphasized that the adequacy of programs was not researched -- only comparisons of levels of resources provided by IHEs. In this sense, it does not appear to matter which type or combination of types of IHE(s) is responsible for PSE delivery to state penal institutions. Further, PSE programs were perceived as beneficial to prison inmates. From these findings, additional implications can be drawn. The findings are important for the following groups or persons who are connected with PSE programs:

-- Correctional Education Program Directors: for the persons responsible for educational administration at state prison systems, the findings indicate that a major argument (i.e., program benefits) was established and a case for providing marketable educational opportunities was developed. It should be remembered that many penal institutions probably contract for educational services with a particular type of IHE for simple reasons of convenience -- the proximity between the prison and the IHE. The findings indicate that similar levels of resources were provided, irrespective of IHE type. The findings appear positive and advantageous for this group, especially in terms of their program planning and budgeting activities in the future.

-- Prison Wardens/Superintendents and Deputy Wardens for Treatment Programs: these are the persons most responsible for overall prison administration, treatment, and rehabilitation, who will necessarily be interested in the performance of the treatment program and the contracting agency that provides it, especially when the contracting agency is externally-situated from the prison. These persons are also concerned about program costs and effectiveness.

-- State Legislators, Departments of Corrections, and Funding Agencies: for many of the same reasons set out for the groups above, persons and agencies at the state level who are in a budget allocation capacity should view the findings as encouraging. For these persons in key decision-making positions, had significant differences been found among the types of IHEs providing the PSE programs, a need would exist in some cases to evaluate and restructure their contract for program delivery on the grounds of political credibility, justification of expenditures, and justification of programs and program budgets. However, significant differences were not found to exist.

-- Prison Inmates: perhaps some optimism created by the findings would lie with the PSE program recipients/benefactors themselves. In addition to the findings that types of IHEs didn't differ significantly in the level of resources allocated, program nature, perceived benefit, or program budget, an even more positive outcome might be found for inmates in the correlations by geographic location. The data indicate that, generally, the inmate-students will have the same type of PSE programs provided irrespective of his/her place of confinement within the state penal systems. All null hypotheses comparing geographic locations of the programs were supported. Of particular note were the findings that it was no more difficult to be admitted, there were no fewer faculty, and the perceived benefits derived from inmate participation in PSE were not different (and are, in fact, positive) among the various regions of the U.S. (Again, the adequacy of the programs for this group was not researched.)

Future research implications would be the adequacy of existing budgets, numbers of course offerings, numbers of faculty, availability of library resources, or other such variables.

Conclusions

This study determined that, in selected areas of higher education for state prison inmates, there were no significant differences found among the types of institutions of higher education providing the programs or by geographic location of the penal institutions. The findings indicated that higher education in state penal institutions was operating generally in a homogeneous manner. The findings are important for those persons and agencies involved with this unique area of higher education, where the penal institutions and program administrators can seldom--and the clients, inmates, may never--go to the marketplace and select the type of educational program of their choice.

Further, the literature and the information obtained from correctional education directors in this study appear to provide more than a little support for postsecondary education for prison inmates, even in difficult financial times. There is strong concurrence for the statement by Littlefield and Wolford (1982) that "To scrap the existing programs or to reduce them severely in the spirit of budget reduction or harsher punishment for criminals, without first closely examining the effectiveness and operation of postsecondary correctional education in this nation would be regrettable" (p. 17).

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THE HIGHER EDUCATOR IMMERSED IN CORRECTIONAL BASIC EDUCATION

by Rodrick R. Rolston, Ph.D.

(3/28/84 presentation to the Academy of Criminal Justice Sciences, "Coping with Criminal Justice Occupational Roles" Section)

INTRODUCTION

It seems fitting to define the way the role of higher educator will be used throughout this presentation. Normatively the teaching higher educator is viewed as an educator with a doctorate who works with post-secondary students in a college or university environment. In the context of the correctional scene, at least the one where I am employed, and particularly as a frame of reference for our thinking here, a higher educator is a doctoral educator employed full-time in a prison school facility with largely G.E.D. adult students and, to a lesser extent, pre-G.E.D. and post-G.E.D. type students.

Frequently higher educators are a rather rare or unknown commodity in a prison school. With the fact of their limited number among other causal variables, comments like "there is a mutual indifference between higher educators and corrections institutional personnel," have arisen. These kinds of allegations will be furhter examined in the course of this paper.

By way of background, let me say a little about the institution, namely Indiana State Prison at Michigan City, where I have worked since February of 1979. Before that time, I spent the bulk of my life as a teaching sociologist in colleges and universities with two exceptions. These exceptions were a short period in the 1960's when i was employed at hte Illinois State Training School for Boys at St. Charles and a period of three years in the 1950's when public school teaching occupied my daily life.

Indiana State Prison is a maximum security prison with a current population of over 1700. This figure is subject to alteration because the prison is presently under a Federal court order to reduce the population to near 1600. Of the population, over one-third are serving a life sentence. Although the 88 acre institution with 24 acres inside the walls is old, having been built in the 1800's, structurally it continues reasonably durable.

Lakeside School, the prison school, was completely remodeled during the past year. The school operation with its pre-G.E.D., G.E.D., and post-G.E.D. dimensions along with an on-site Indiana Vocational Technical College program furnish work assignments for the second largest group of inmates in the prison. The largest work assignment area at Indiana State Prison is the Tag Shop where license plates are made.

ORIENTATION TO MAXIMUM SECURITY 'PROGRAMMING'.

Orientation to Indiana State Prison began in 1979 when I began employment as a counselor. The counselor role involved handling a caseload which approximated one-half of a cellhouse, roughly 200 to 250 inmates. The multitude of functions and responsibilities are almost too numerous to mention within the confines of this presentation however it can be clearly ascertained that the role experience did furnish a thorough exposure to life in the prison situation. Interaction with inmates,security employees, and both professional and non-professional civilan personnel made this observer very cognizant of the crucial "Social facts" or pertinent social variables alluded to by August Comte in his early sociological theory.

For example in a lockdown circumstance in a cellhouse, there is really minimal latitude or opportunity to argumentatively discuss the differentiation between doctorate and sergeant labels especially when the demands of the environment call for community or "social solidarity" in the words of Emile Durkheim, a sociological theoretician. That is, if the inmate cellhouse was to be maintained as operative as normally possible under the lockdown-shakedown circumstances. The sixteen month orientation furnished a confronting trial run to maximum security prison life.

In July of 1980, due to a new positional opening created in Education, I applied and was offered the teaching job. The transfer to Lakeside School was accepted. Since 1980, my life has been a part of a twelve member faculty and the chief responsibilities involve instruction in the Social Sciences, Sciences, and Literature.

THE IMMERSION PROCESS IN CORRECTIONAL EDUCATION

The transfer to Education was not too difficult or cumbersome. One exception might be noted. A classroom had to be personally repaired for use and this was done with generous inmate assistance. The relatively smooth transition can be attributed mainly to the acquaintaceship with the bulk of the students which had developed earlier during the counselor role. Furthermore, the acquaintanceship obviously extended to security guards and civilian personnel too. Despite the maximum security reality, involvement is a requisite.

As a counselor, daily interaction occurred with inmates. In addition, daily access and handling of vault packets on inmates (and their backgrounds) occurred. Acquintanceship and familiarity with students is the fundamental first step towards becoming immersed in educating correctional students

Contrast these reflections for a moment with the first days of a correctional educator named Douglas K. Griffin. His remarks were made at the 1980 Correctional Education Association meeting in Nashville, Tennessee. Mr. Griffin began by saying his "First experiences with prisoners in a classroom were devasting. I had ordered materials, based on the levels and courses of my students, and I had to wait two weeks for them to arrive. I though it would be a nice opportunity to share in some off-the-cuff discussions of social class, perhaps of the pyramidal structure of the educational system, which eliminates students as they move upwards. I though that some common-garden psychology in popular language would go over well... I lasted barely two days with this approach. I was totally unprepared for the strength of the emotional onslaught of fifteen prisoners..."

A second vital consideration in the immersion process revolves around creating and initiating an ends-means educational program with each respective student. At first glance, this might appear a comparatively simple consideration. But, upon closer analysis, it becomes abundantly evident that most prospective students possess negative educational outlooks coupled with failures which can easily condition any eventual academic goals-means package. After all, most communities have probably already invested between $10,000-$20,000 in the respective student academically. At the prison school entry point, the pieces begin to be picked up and a kind of unwritten social contract is developed.

A typical illustration which can surface may reveal a student who wants to obtain a G.E.D. - the goal. Once the G.E.D. objective is determined, the student begins establishing a means or strategy for attainment. A higher educator who has behavioral training can be in the unique position of perceptively evaluating the degree to which the student's assessment is realistically well thought out and grounded.

One final program contract component that looms pertains to what might be called the 'funny business syndrome.' Conflict management cannot be overlooked. Griffin in ON Prison Education states "he willingness of the teacher to confront students when they demonstrate irresponsible educational behavior creates a great demand on the teacher."

Anticipatory acknowledgement of the 'funny business syndrome' means the new students are alerted to principles that must be upheld like respect for school property and mature classroom demeanor. The syndrome when not confronted from the beginning can materialize into a disruptive element in the student's progress.

Athird consideration in the immersion process is motivation. At times, motivation stands out as the major function in the educator's role. Motivation of a positive, encouraging flavor seems to play a much greater part in correctional education than it did in higher education with college students. 'Big Mo' begins with the educator's own zest, earnest optimism, and social vitality. With these qualities, the transference of motivation to students can more easily be made. Again, Douglas K. Griffin in On Prison Education remarks "the teachers who hold basically anti-social attitudes themselves should be in another line of work."

Motivation appears to fall into a dichotomy for the instructor in prison. Perhaps the dichotomy is so significant because the maximum security prison student is in many instances serving a substantial amount of incarcerated time. At any rate, the one type of motivation can be characterized as overt, manifest, and more verbal. Akin to Talcott Parsons' sociological typology, it can be depicted as the "instrumental" motivational role playing by the educator while the listening and hearing sort of motivation is the equally important nurturing, emotionally supportive, or "expressive" role. Correctional educators can afford to give time towards the cultivation and refinement of the "expressive" role. With inmate students, the alert teacher finds ample, fruitful opportunities to utilize both role taking situations. As the contemporary cliche reads "different strokes for different folks." the "instrumental-expressive" play-out can be rewarding to to keep in mind in the immersion process of educating inmates.

A student may find the teacher to be the only individual to whom he feels he can bring a concern or problem and this release valve or outlet can be highly productive in the student's overall academic achievement. For another student, a verbal congratulations for a task adequately performed can also be reinforcing and productive because the student may have received little or no past academic praise and encouragement for satisfactory effort. Ultimately, seeing students cross the graduation stage to receive their diplomas as bonafide winners can certainly invigorate prison instructors to continue using dual role techniques. In conclusion, the entire motivation consideration is centrally premised on what J.W. Cosman of the Correctional Service of Canada indicated in a Learning article (Summer 1979). "A genuinely human approach to education can have only one style, which is to treat the students as an end in himself and not as a means to serve institutional or social objectives."

From what has already been said, one can see some of the evidences of the transferences of higher education teaching mechanisms and techniques to the mainstream of correctional education. Further similarities are exemplified when the educator stresses two rather elementary but basic ideas made formerly to college students. Communicating these two has proven worthwhile in both the college and prison environment. The first stipulates that no student is expected to do things in his course of study which the instructor would not expect to do himself if he was in the same student's role. On the heels of this comment, the clarification is made that should this not be clear at any time, the student should feel free to bring the matter to the teacher's attention for correction. The second idea is what might be called the 'open door poicy.' Adherence to the 'open door policy' simply gives the class setting an atmosphere of less apprehension and more relaxed comfort. Conceivalbly with these two stipulations, the school becomes the most home-like situation that an inmate finds in the whole prison facility.

A final word needs to be made and it relates to the merits of the integrally used individualized rate of student work, an approach quite similar to that suggested in the recent, timely national education report commonly called the "Horace Report." Inmate students reveal, for instance, notiveably different knowledge levels especially by subject areas and different reading and comprehension levels. Therefore, the individualized rate permits students to progress at their respective pace. Study materials are selected by respective faculty to allow these adult students to operate accordingly depending on whatever subject area may be under study at a given time. To assist in the endeavor, I fortunately have at the present time four able inmate tutors, two of which have advanced graduate degrees.

SUMMARY

The following data reveals some of the basic G.E.D. results wich have emerged through the immersion process since my beginning in July 1980. The data does not cover all G.E.D. graduates during the three and one-half year period because I am not exposed to all inmate students at the prison who take the General Equivalency Degree examination. Some students are tested upon arrival at the recomendation of the Indiana Department of Correction Diagnostic and Testing Center. More often with others, due to scheduling problems, it happens that they are tested and may pass even though they have not had the class in Social Sciences, Sciences, and Reading Literature.

For the period from July 1980 through December 1983, the breakdown regarding my G.E.D. tested students appears as follows:

139 students passed the G.E.D.

43 students failed the G.E.D.

Such data reveals a 76% success rate on the test from the Indiana Department of Public Instruction. Several students of the 139 total were students who failed the first time they attempted it. The yearly breakdown is shown below.

1980	14 passed, 6 failed	-70% success rate
1981	41 passed, 19 failed	-68% success rate
1982	40 passed, 15 failed	-73% success rate
1983	44 passed, 3 failed	-94% success rate

The encouraging long range implications for society and the inmate G.E.D. graduates when they reach 'the street' are becoming more and more apparent. The pattern is something about wich many of us are aware. The positive value of education is slowly but surely reaching the public's attention as Chief Justice Warren Burger's recent comments in Chicago tend to verify. When the average recidivism rate is compared against the recidivism rate of inmates who have attained a legitimate degree in education in prison, the correctional educator can gain strengthened motivation for his mission. The inmate with a degree like G.E.D. seems to have greater or more functional coping capacity for 'on the street' societal existence.

To translate a pattern of the nature just discussed hopefully means mor concern in the future for correctional education than sheer correctional cell-building by contrast. It is indeed the time for correctional educators to conscientiously be about their proffesional tasks with students. In the insightful words of lucien Morin in **on Prison Education**, "Education in prison obliges us to determine once again the original meaning of educational activity....and to re-learn to distinguish the essential from the urgent. The urgent is the solution of facility, that wich gives immediate results, that wich correctional education has too often endorsed and followed in the past. The essential in contrast, lies beyond the universe of provision and nervous security. The essential is based on giving. For we create what we do... One who gives, creates education wich, in its original etymological sense, properly means to nourish. Education in prison has no other justification than that of sharing." A role model so grounded can assist the future correctional educator in the immersion proccess of re-educating the reportedly increasing inmate population they are going to find at their proffesional doorsteps. The challenge is immense however the virtous value of returning inmates to society better equiped to be worthy contributing members is immensely rewarding too.

APPROACHES TO TEACHING REMEDIAL READING SKILLS TO THE ADULT LEARNER

BY
HERMAN LEE
ADULT EDUCATOR
CENTRALIA CORRECTIONAL CENTER

"OUR QUEER LANGUAGE"

When the English tongue we speak
Why is break not rhymed with freak?
Will you tell me why it's true
We may sew but likewise few;
And the maker of a verse
Cannot cap his horse with worse?
Beard Sounds not the same as heard;
Cord is different from word.
Cow is cow but low is low;
Shoe is never rhymed with foe.
Think of hose and dose and lose.
And think of goose and yet of choose.
Think of comb and tomb and bomb;
Doll and roll and home and some.
And since pay is rhymed with say
Why not paid with said, I say.
We have blood and food and good
Mould is not pronounced like could.
Therefore gone but done and lone
Is there any reason known?
And in short it seems to me
Sounds and letters disagree

(Wallace, 1973).

It may be assumed that an adult reads or desires to read for a specific purpose:

1. to keep informed in a general way on matters of current importance,
2. to find answers to his specific questions or those raised by others,
3. to gather information to assist in problem solving,
4. to follow an interest or curisity,
5. to follow directions in order to make, or perform,
6. to find personal satisfaction--enjoyment, insight, release, temporary diversion, pleasure, or personal uplift,
7. to evaluate his own reading and writing.

Adults read to keep informed on such items as:
a. events of importance at home, community, work, nation, and the world;
b. the movie, radio, television, broadway musicals and plays, and newspapers and magazines;
c. advertisements giving prices of clothing, automobiles, homes (to buy or rent), sales, and other items of interest;
d. the weather reports, location for recreation, and travel plans.

In addition, adults have many question that go unanswered. By reading, he can find some of these answers for himself. The adult reader must become acquainted with reference materials so that he may answer questions such as the following:

a. What is my friend's telephone number? What is his address? How do I find this information? (This would be an excellent opportunity for the adult learner to learn how to use the telephone directory.)
b. What is the correct way to pronounce a word? (This would be a good time to learn thr use of a dictionary pronunciation key) (see Appendix H).
c. Where is the best place to get information about other countries? (The adult reader should become familiar with encyclopedias and other reference material of its kind) (Cronin, 1978).

READING IN AN ABE PROGRAM

The "Adult Basic Eduction Sourcebook" by Amstutz (1978) lists four approaches generally used in teaching reading in an ABE program.

SIGHT WORD APPROACH. The sight word approach is simply a memorization of vocabulary words. Acquiring basic sight words is an important step for the beginner. However, if this is the only approach used, readers are usually unable to be self-sufficient in books other than the ones they were taught to read. They lack skills to decipher new words.

PHONIC APPROACH. The phonic approach is a method which directs attention toward vowel and consonant sounds, blending them together, and the construction of phonomic families. After having acquired these skills, students can attempt to pronounce other printed words that they have not seen before. Although English is not a totally phonemic language, these skills help the student.

STRUCTURAL ANALYSIS. The structural analysis approach helps the beginning reader unlock the meanings of unknown words through the use of affixes, roots, contractions, compuound words inflectional endings, possessives, accents, and syllabication.

LANGUAGE EXPERIENCE. The language experience approach uses the student's speech as the basis for vocabulary. (The student tells a short story--perhaps five sentences--which the teacher writes down exactly as the student dictates and uses it as a means for instruction.) The student may then see the relationship between the language he generates and the printed words. Using the student generated language, a teacher may devise exercises that use sight word, phonic, or structural analysis approaches. All these approaches combined can be used successfully in teaching adults to read. It seems that a combination of instructional modes (providing variety in materials and methods) would be the best approach. Others have approach. Then emphasize the one type of instruction that best suits the student's learning style.

Phonetic analysis is a term used to describe the association of sound and printed symbols (Massey, Moore, and Holt, 1975). While knowledge of some things come to us through the senses of taste, smell, and feeling, most of our knowledge of words comes to us through the sense of auditory discrimination (e.g., the ability to hear the phonic element in a word). Some words are seen in print or writing before they are heard; others are heard before they are seen. In the formal study of phonics, however, the adult student will ordinarily see letters printed in a book or written on the chalkboard before he a) hears it, b) pronounces it himself, c) spells it, or d) discovers its meaning. Moreover, he will form a mental picture of the word as a whole before he thinks about or attempts to memorize its component parts (see Table 4).

Because people learn in different ways that are not always predictable or completely understood, instructions can often be accomplished best by using several approaches at the same time. Some students seem to learn words as a whole. Many words in English should be learned this way because they do not break down readily into sound units (Calvin and Root, 1972, pg. 126). Based on the fact that the English language is not strictly phonetic, the student should learn that phonic and structural generalization (see appendix B) principles apply in many, but not all, cases. The student should apply these principles as aids in deciding which sound to try first when a new word is encountered.

To teach phonetics and structural generalization, the instructor should first understand some of the phonic relationships of our language (see appendix B). After learning the basic structure of phonetics, you may find other creative ideas to teach sound-symbol relationships. Adapt the system to meet your students' needs. Many students are not aware of the complexity of sounds that make up a spoken word. Begin teaching your students by introducing them to the letters of the alphabet (see Table 4). You might want to say something like this: "We use hundreds of words in talking, reading, and writing, but only 26 letters are used. These 26 letters are called the alphabet. There are 21 letters in the alphabet called consonants. The remaining 5 letters in the alphabet are called vowels."

The student should memorize these three basic essential phonetic components. Begin teaching the consonant-short vowel combination (see Table 4). Every basic sight word (except "a" and "I" when used alone in a sentence) the remedial and non-reading student encounters will have a consonant-vowel or vowel-consonant (e.g., to, at, etc.) combination.

The student who is a non-reader usually experiences difficulty hearing and sounding the short vowel. The student should practice the consonant-short vowel and the consonant with the word pattern list (see Appendix C) daily. The student should not use key words (see Appendix D) unless he is experiencing a great deal of difficulty visualizing the letter sound combinations. The consonant-short vowel combination should be placed on a cassette tape player using the outline as a guide with drills included, but on a separate tape.

USE ADULT READERS. Teach adults in readers that are suited to their reading level and specific to adult interests. If the reading instruction is to be effective, instructional materials must be appropriate for the reading levels of adults using them. This means that some individual student will sometimes need to use readers labeled at grade levels above the level of the grade in which they are placed. It also means that some adults will need readers labeled at grade levels below the level of the grade in which they are placed.

READ MATERIAL IN ADVANCE. The instructor should read in advance all selections in each reader used in their reading program. For effective introduction of a selection as well as effective checking on comprehension, the instructor should know the stories and informational articles contained in the readers.

STUDY THE TEACHER'S EDITION. The instructor should thoroughly study the teacher's edition to all readers used in their program before attempting to teach the reading lesson. In order to teach the skills geared to a particular selection, the instructor should have a well formalized plan for teaching, and the student should be informed of this plan prior to instruction.

BE PREPARED TO DEVIATE FROM LESSON PLANS. The instructor should be prepared to deviate from the planned reading lesson when it is needed to improve instruction. A contract or student performance agreement should be adapted to meet the known needs of the adults being taught. Whenever adults need more or less in the way of exercises, the instructor should modify this plan.

KNOW THE SKILLS BEING TAUGHT. The instructor should know the reading skills and how to teach them efficiently and effectively so that instruction may be modified to overcome the contract or student performance agreement omissions in their planned skill practices.

TEACH READING SKILLS THOROUGHLY. It should not be necessary at any grade level or with any group of adults to work systematically through any publisher's materials. A few copies of each of several different publisher's materials should be used for guided reading to put into practice skills that should or must be learned.

TAKE YOUR TIME. The instructor should take adequate time to teach thoroughly the comprehension and word attack skills. Remember a skill does not have to be mastered completely before moving on because it should be reviewed and possibly extended in the supplementary material. The instructor must use his own judgement to decide when additional practice is needed.

BUILD THE STUDENT'S CONFIDENCE. Adapt the time spent in building readiness skills to building the student's confidence based around his background experience. Occasionally it may be necessary to spend more time, or less time, than needed with some adult students. If the student has an adequate background and understanding of work experiences (e.g., responsibilities involved in keeping a job) that can be assimilated within the classroom, sufficient interest in the program, and confidence in himself, then a quick build-up is all that is needed. If he lacks sufficient understanding background and confidence in himself, then these things must be built prior to initiating the reading.

LEAVE SIGHT WORDS ALONE. Introduce in the readiness phase of the reading only those new words that the student can't recognize for himself. If the student has an adequate background for figuring out sight words for himself, then the words should be left for him to attack in context.

ASK QUESTIONS. The instructor should ask questions in checking on a student's comprehension. This will help in developing a variety of comprehension skills. Adults read in terms of purposes they set or the instructor sets for him. As the instructor completes the readiness phase of his reading outline, he suggests a purpose for reading the material. If the instructor continually suggests reading for the same purpose, such as getting the main idea, only that one skill will be developed, and the student ultimately will not progress as rapidly.

ENCOURAGE READING. As soon as the student builds up a sufficient skill background to permit him to read on his own, he should be encouraged to read interesting books independently. This permits the student to put into practice skills that have been taught him. It also helps to develop an interest in reading.

CORRECT ASSIGNMENTS IMMEDIATELY. Correct assignments as soon as possible and discuss results with the student. If the assignments are to serve the purpose for which they are designed, they must be corrected soon after the student has completed them, and the errors should be reviewed with the student so he can correct his mistaken ideas. The sooner this can be done after an assignment is completed, the more effective the exercise will be as a teaching device.

SCISSORS FOR PRISONERS

Implementing a Professional Certification Program in a Correctional Setting

Prepared By:

Bruce H. Hobler. Ph. D.
Education Supervisor
Delaware Correctional Center
Smyrna, Delaware 19977

Lorraine Peterson
Owner/Director
Brandywine Beauty Academy
Wilmington, Delaware 19810

Introduction

The purpose of this paper is to descrive sequentially the required procedural steps involved in developing a licensed cosmetology program in a prison setting. Additionally, this presentation will give substantive information on the effects and benefits of this program as a rehavilitative effort. Additionally, it will show how Delaware's program was initiated without State funding. The following delineates the actual steps of development as they occurred in launching this unique kind of program.

Background ..... as it happened

It was a cold day in the winter of 1981. An inmate at Delaware's largest correctional facility was suffering from boredom. He began leafing through a yellow pages director looking for his cousin's name who was a beauty operator. His frustration in not finding her name led to his selecting a name at random ..... Brandywine Beauty Academy. Inmate Jim composed a letter to the Owner/Director Lorraine Peterson. He described how boring his life was; how he desired to receive formal training in cosmetology. Ms. Peterson responded to inmate Jim with a letter and phone numbers where she could be reached. The inmate's counselor contacted Ms. Peterson and informed her that the department had no money to fund such a program. Ms. Peterson informed the counselor that it would be a volunteer effort and therefore no state funding would be required. At this point, the ideas was referred to the Educational Supervisor for the facility. A meeting was arranged between Ms. Peterson and the educational supervisor.

The first major obstacle was the requirement of 1500 hours of instruction and clinic experience. A volunteer 1 day per week would make the program unrealistically long. The second major problem was space. There was virtually no area which would be appropriate for a classroom and simulated beauty shop. Nevertheless, a meeting was held with several interested inmates in order to explore their motives for participating in such a program. They all seemed genuinely interested --- they desired to develope a professional skill which would give them employability upon their release.

The next step was to meet with administration to seek their approval. A meeting was arranged with the Warden and Chief of Security. As administrators of a prison, they had serious reservations about the program because it required bringing in razors and scissors. A second meeting was scheduled at which time the cosmetology kits were examined. It was then decided that the only way to properly supervise such a program was to assign a guard to it full-time. The officer could then monitor all of the equipment used. By now approval had been received from the Commissioner of Corrections. It was decided that the program should go.

The next step was to determine eligibility requirements to insure that no one would be arbitrarily discriminated against from participating. A screening test was designed using information drawn from a standard cosmetology textbook. The test was sufficiently difficult focusing on the anatomy of the head and face. Seven inmates passed the test -- this would be the first class.

By now, Ms. Peterson had arranged that 5 licensed cosmetologists would each volunteer 1 day of instruction per week which would enable the class to fulfill the 1500 hour requirement in one year. It was understood from the beginning that if the program was to continue beyond the first year, the department would have to subsidize it. The volunteers would participate for the first year only. On May 14, 1982, the program formally began with 7 inmates in a small classroom. An officer was assigned to the program. All equipment was checked and inventoried on a daily basis. The kits were stored in the central control room each night. All chemicals and solutions were locked up after each class. Mannequin heads likewise were counted and locked away daily. Fortunately, not long after the program began, a new area opened up for inmate activities. The cosmetology program moved to this area where a classroom was established separated from the clinic itself which included the necessary shampoo bowls, mirrors etc. The program now was beginning to look like a typical school of cosmetology. Ms. Peterson was instrumental in getting a substantial amount of supplies and equipment donated to the program both from her own school and from hairdresser suppliers. A special account was established through the prison business office to monitor the purchase of all supplies and to control revenue generated by the program. In this regard, the program was self-sufficient in that the monies collected from staff and inmates was sufficient enough to purchase the necessary supplies to keep the program operating.

Program Organization and Content

The class became structurally formalized through an election of officers with specifically assigned duties. Lines of accountability were established in order to insure smooth operations daily. It was determined that all procedures were to be approved by the Education Department. The Business Department handled all fiscal matters, and the volunteer instructors were responsible for daily teaching and skill development. Ms. Peterson focused on shop management and the business aspects of running a beauty salon. The students were all dealth with as if the business was their own. Much of their learning was related to carrying daily responsibilities with respect to scheduling clients, monitoring income, ordering supplies and resolving problems and inter-personal conflicts as they arose. These are all realistic components of operating such a business and are essential parts of the training approach if the program is to be successful. In retrospect, we would submit that it is imperative that such a program must have support from administration, the supervising department (education), as well as the correctional officer assigned.

Psychological Implications

Positive - It is especially significant that incarcerated persons be treated with dignity and recognized for their human worth. This is due to the fact that they have failed themselves and society. Consequently, part of their training and preparation for graduation and State Boards included certain philosophical concepts which helped to strengthen their confidence and motivation to work and succeed. Specifically, the class had a motto which they all believed in: "Give a man a fish, and he will eat for a day; teach a man to fish and he will eat for a lifetime." This concept helped to reinforce for them the value of having a skill and therefore being independent. They also had a logo which is a butterfly. This was painted on the walls of their classroom and other permanent artifacts germane to the program. This logo in effect has given the class a real sense of purpose and identity and has enhanced the comradery of the group. This is validated by the fact that the group sustained its own solidarity and resolved its own problems without any major incidents during the entire year. It is our impression that the value of these psychological components to each individuals growth and development is immeasurable.

Negative - For many years, there has been a law in Delaware which prohibits convicted felons from becoming licensed as cosmetologists. As long as this law was on the books, there exists a strong psychological deterrent in terms of realistically pursuing a career when in fact, one could not practice. It therefore was mandatory that this law be changed if such a program was to survive. Through the efforts of Ms. Peterson and her role as a member of the Delaware State Board of Cosmetology, she was successful in having this law abolished prior to the first class taking their board exams.

Graduation

One year later, May 14, 1983, the first Cosmetology Class of the Delaware Correctional Center held its graduation ceremonies. The entire cermony including guests, speakers, recognition, was handled by the class. There was a formal ceremony which included speakers such as the Commissioner of Correction and local and state politicians. Of special significance is the fact that the second cosmetology class had already been determined by prescreening interviewing and testing. Fourteen members of the new class were introduced on this festive occassion.

Resultant Effect

Of the original 7 students, 1 dropped out and 3 were released from the prison. One additional person was added to the class because he was a licensed cosmetologist prior to incarceration. This left four students who took the National Board exam, all passing with grades in the 90's. Now the program could be self-perpetuating in that the second class could be taught by the first class. The value of this is not only economical, but the new students see living examples of success in their peer inmates. Ms. Peterson consented to stay on as a consultant, visiting the program when she feels it is necessary. Otherwise the bonafied School of Cosmetology at the prison continues to thrive with a minimum of supervision. It is now self-sufficient and the State has appropriated funds to purchase equipment as needed. The Board Certified inmates now operate the School daily as if it was their own business. Each one has a specific title assigned and this in fact is their job. Upon release from the prison, they can now be hired as licensed cosmetologists.

Values of the Program

At this point, it would seem obvious that such a program is most worthwhile and has much to offer. Looking back now, there were substantially more values derived than originally anticipated. A summary of the most significant values follows:

1) Provides for the training and licensure of professional skills for incarcerated persons which allows for job stability, financial independence and long range prevents recividism.

2) Teaches the basic principles and operations of business management.

3) Enhances self-worth and dignity.

4) Provides for the attainment of a significant level of achievement through certification to a population who characteristically have been under-achievers and failures.

5) Provides for status and prestige in inmate culture.

6) Can be self-supporting or low cost which is economic advantage for use of public funds.

7) Teaches self-discipline through requirements of 1 year course of study and preparation for Board exams.

8) Constructive use of time for persons who have an abundance of time with no requirements.

9) Self-fulfillment through social status, productivity, and quality of life. One of the graduates now working in California is earning $600-900 per week.

The graduates of the program had this to say; "Since I have been in the program, I have been made a licensed cosmetologist in the State of Delaware. The program has actually allowed me to help myself both creatively and financially. It's given me that peace of mind so that when I leave here, hopefully soon, I'll be able to take care of myself and anyone else that's dear to me." The students of the program had this to say; "What has the program meant to me? This cosmetology program has meant practically everything, from the day of its birth to the time or the day that I entered the program. To say in one work or one sentence what the program meant, is impossible, but it's enabled me to see things a lot brighter in the future. It's put criminal priorities at the bottom of my list of priorities. It has also given me hope and faith in a real world. To sum up what Ms. Peterson has done is just as difficult. Not only has she taught me to use what I've got to get what I need, she's also enabled me to see that things aren't as dismal as I had thought they were upon my coming to prison. She has given me the ability to gain self respect, self esteem, pride in myself, also a skill that's invaluable. Not only something that I can work with in stationary or a one place situation, but it's transit, it's something that I can carry with me wherever I go. Okay? It's just confidence and self worth that knowing that you are somebody, that I am somebody, and I will be somebody." (And another graduate) "I would like to respond to the question: what has cosmetology class meant to me. What it means to me is a great deal. I can remember the moment when I first entered Delaware Correctional Center in 1978. I came from a low income family, virtually no skills, no employable skills. My life was full of crime and indecisions and incorrect decisions. Yet after coming to the Delaware Correctional Center and considering my past life and considering where I had been, it had become apparent to me that I need to make some appropriate decisions as to where I wanted to go. And it was only after meeting Lorraine Peterson, and after talking to her and hearing her words and thoughts of encouragement and inspiration and after hearing her talk about cosmetology and what it could possibly give to me, an individual looking for something important, that I got involved in the cosmetology course. After getting involved in the cosmetology course, I learned a lot of things about hair styling, about people and more importantly, about myself. I've learned that within me there exists a lot of talents and abilities and that I can do all things through determination, perseverance, and proper decisions. I've me a lot of wonderful people since I've been a member of the cosmetology class, people like Lance Warfield, Babe McCant and Walter Take and Reggie Jackson. Some of those people happen to be my instructors and I've learned a lot of things about cosmetology and about social interaction from them. I've seen those guys go to the first cosmetology course and now the progress that they've made in the first class and the attainment of their license in cosmetology really gave me a lot of inspiration to try as hard as I am trying now in the class. I hope to just take this cosmetology career further. My hope is that it won't stop here, that after I return to the community that I will be successful and secure in a job as a hairstylist and that hopefully open a business as a cosmetologist or beauty salon business somewhere in the community and hopefully even attain a beauty salon business throughout the country. That's possible; I've learned that that's possible through the cosmetology class. This cosmetology class not only has the potential of offering me a great deal of things, but it has the overall potential of offering many other inmates here in the Delaware Correctional Center a career opportunity. Let's face it, prior to the cosmetology class being implemented at DCC, there wasn't any viable job training skills here in prison. That is there wasn't any skills, any job skills which an inmate could learn and then turn to community and secure a job with. Cosmetology is a new idea, its a workable idea and it is an idea I think will go a long, long way."

What makes it work-

An analysis of our experiences over the past two years reveals that certain elements must exist if the program is to be successful and meet the goals as intended. The most significant considerations are--

1) To initiate a program with an outside sponsor rather than a hired staff person. The reason being that a volunteer can cut through red tape as well as provide professional sanction for a School of Cosmetology.

2) It is mandatory that administration support and believe in the worth of such a program.

3) The responsibility for the entire program must be put on the students. In this way, it becomes their program and in this sense it is up to them to make it survive. Another value of starting with a volunteer is that he or she is doing something for them which doesn't have to be done. This factor enhances cooperation.

4) There must exist mutual respect between sponsor and students. This can only develop through time.

5) Make sure that a strong sense of identity flourishes, in this case professional identity. This encourages belonging and instills a sense of pride. These are emotional experiences not available in a prison setting.

6) There must be a philosophy that everyone buys into such as the motto in this sitution.

7) The realistic goal of becoming a professional person and all of the rewards that go with it.

8) The nature of the sponsors supervision. The person must be firm, must be able to set limits, but be understanding. The sponsor must treat with respect and listen to their problems - (this is in fact the most important thing that they have ever done).

Now that it has been achieved, I asked Lorraine Peterson, the founder of the program, for a formula for success and happiness. She said, "There are three things - 1) something to do; 2) someone to love; 3) something to look forward to ..... HOPE"

CORRECTIONAL EDUCATION'S BOTTOM LINE

Douglas H. Jones, Ph.D.
Charles J. Murray, Ed.D.
A. Gregory Norcott, Ed.D.

The purpose of outcome evaluation is two-fold in nature. Outcome evaluation provides information upon which decisions regarding the provision and implementation of programs and services can be made. Additionally, outcome evaluation will allow for the monitoring of success in meeting student goals and objectives over long periods of time. The initial results of an outcome evaluation can be used in order to strengthen those factors that encourage positive changes in students, and eliminate or modify those factors or strategies taht inhibit positive change in students or that produce negative results. As a result of long term use of outcome evaluation, the impact of various decisions can be assesed. This will allow for ongoing judgements to be made regarding modifications to programs and services.

Drs. Murray and Norcott are colleagues at the New Jersey State Department of Education. Among their activities are included monitoring and evaluation of educational programs in prisons, youth correctional institutions state facilities in New Jersey. Dr. Jones is a statistician and professor at the Rutgers University School of Management.

According to Anton Provus the purpose of program evaluation is to "... determine whether to improve, maintain or terminate a program..." Given this notion of evaluation's purpose, outcome based evaluation is designed to determine the degree of needed improvement, maintenance or termination based upon the positive changes that may occur in pupils.

Provus lists items such as staff qualifications, student selection and facilities as elements of input evaluation. Input evaluation is the examination of approval types of factors. Factors are to examined to determine whether are or are not in place. Such evaluation is designed to determine whether or not the program has the required resources and has meet the required program conditions.

The conduct of process evaluation is discussed by D.L. Stufflebeam. According to Stufflebeam, process evaluation examines how programs and program components are being delivered. Rossi, Freeman and Wright view process evaluation as a method of determining how program implementation matches program design. For example, a given program might have a requirement that a "needs assessment" be in place. Process evaluation would examine the program to determine that a "needs assessment" was available and that it was being implemented.

Conceptually, evaluation efforts have moved from the statis evaluation of input to the examination of process implementation, to the analysis of outcomes in order to determine the effect of programs. While input and process are important, they should be viewed only as stepping stones to program evaluation based on outcome analysis.

Correctional education is and will continue to be faced with four major needs: the need to deliver services in light of reduced resources; the need to provide an optimally effective educational delivery system; the need to continue such delivery within the parameters of future legislative action; and the need to generate positive outcomes through these programs and services.

In order to address these needs, correctional education decision makers must have access to measurable evaluation information regarding programs and services. With the above needs in mind, the development of a system to examine the impact of correctional education is timely. The purposes of such a system are to identify indicators of positive outcomes and to develop a method of evaluating education at the institutional level.

The implementation of an outcome evaluation is directed through several operational definitions. These definitions will be referred to throughout this document.

EVALUATION is a procedure for measuring changes in behaviors or conditions allowing judgments and decisions to be made regarding those behaviors or conditions. Effective, credible procedures for measuring changes in behaviors or conditions will improve correctional education's ability to deliver appropriate services.

INPUTS are program elements or conditions necessary to conduct an education program. Inputs are prerequisites to the delivery of programs.

INPUT EVALUATION is basically an approval method asking questions relative to items such as staff certification, facilities, required resources and other program elements. Input evaluation simply examines an educational program to determine whether all components required for the initial operation of that program are in place.

PROCESS is all transactions or interactions within an educational setting.

PROCESS EVALUATION is essentially a monitoring system. Major questions in this type of evaluation are: (1) Is there a process?; (2) Has it been implemented?; Process evaluation deals with a "yes" or "no" response to questions. Questions regarding the quality and effectiveness of the process in terms of changes in student behavior are not addressed.

The qualitative expansion of input evaluation and process evaluation is outcome evaluation. Outcomes are indicators of change of behavior. Outcome evaluation is the procedure for measuring indicators of change in behavior or conditions. Outcome evaluation examines current functioning of a specific student or groups of students and the programs and/or services that will move the student forward toward meeting predetermined outcomes as established by program staff. Outcome evaluation also providesinformation in order to determine what effect the programs and services or subcomponents of those programs and services have upon the meeting of specific outcome goals and objectives for students. Indicators of behavioral change must be identified at the local level to determine their degree of significance relative to student outcomes.

Outcome Evaluation for Correctional Education

Outcome evaluation will provide information upon which rational decisions regarding the provision and implementation of correctional education programs and services can be made. Secondly, outcome evaluation will allow for the monitoring of success in meeting student goals and objectives over long periods of time. Initial results of outcome evaluation can be used in order to strengthen those factors that encourage positive change in pupils and eliminate or modify those factors or strategies that inhibit positive change in students or shich produce negative results. As a result of the long term use of outcome evaluation, impact of initial decisions made can be assessed. This will allow for ongoing judgments to be made regarding modifications to programs and services.

The end product of outcome evaluation for correctional education is information upon which decisions in the provision of programs and services for individuals can be made. In order to provide decision-making information, the system conducts an interactive analysis of all factors that may impact upon student outcomes.

A discussion of variables and procedures follows:

The choice of variables to include cannot be made based on the limited amount of empirical evidence that would indicate which are the important variables contributing to the success of a correctional education program. This is due to the absence of former research or similar projects in this field. However, a rational approach, systematically categorizing potentially import variables, is feasible. Some indication of its nature is noted here. The rational approach uses a theoretical premise that the succes of a system depends on the level of inputs (raw resources) and how efficiently these resources are managed (or processed), which in turn depends on the structure of the correctional education program with regard to the quality of leadership, degree of participation of key role players, quality of communication between the players, and degree of control the decision-makers are able to accomplish.

In order to begin the task of data collection, a listing of variables to be measured is needed. To develop a listing of measurablle variables a narrowing of focus is required. Based upon the need to narrow the scope of variables to be examined, a Taxonomy of Variables was designed. This taxonomy, a developmental list, begins with two major categories of variables: 1) contributing variables and 2) outcome variables.

The Taxonomy of Variables is representative of a framework within which specific measurable factors have been identified. These measurable factors are addressed in a manner that lends itself to data collection and analysis. These factors are composed of inputs and processes as previously described.

Contributing variables consist of components that may impact, either positively or negatively, upon outcomes in the individual student's behavior. Outcome variables are those behaviors or indicators of change in individual students. Given the relationship between contributing and outcome variables, three components of contributing variables have been generated. These are external variables, child variables and control variables.

External variables are those variables in the educational setting that are non-controllable. Such variables as social environment and institutional structure represent external variables.

Student variables are variables indigenous to the individual student. Student variables include such items as age and sex.

The third component of contributing variables is control variables. Control variables represent inputs and processes in a correctional education delivery system. To reiterate, inputs are program elements or conditions considered necessary to conduct an educational program and process variables are all transactions or interactions within the educational setting.

Outcome variables consist of three components; cognitive, adaptive, and affective variables. Cognitive variables are those variables reflective of academic skills. Adaptive variables are those variables related to the emotional and physical behaviors of the student; affective variables are those variables consisting of behavior in the social and vocational settings.

Outcome data is collected on a mastery or non-mastery basis - either the specific objectives for the student were or were not met. The collection of this information should be conducted either by the professional responsible for the student's instructional program or at least verified by that individual.

The primary problem hindering and measurement of mastery is the variety of educational tests used to evaluate a student's achievements or aptitudes, the different meanings for success for individuals, or the individuals goals. Thus, mastery cannot be quantitatively measured in a manner that is consistent from individual to individual or district to distruct. The notion of a qualitative measurement, however, is available which is amenable to statistical analysis.

Every indication of a students progress, whether it be measured by a test or a teacher's evaluation, can reflect the notion of mastery for example, reading scores rise or decline no matter what instrument is used to measure reading ability. Thus, a qualitative measure of mastery is the indication that there is a rise in test score if a test is used, or a judgment by the teacher that the student has attained previously-stated goals. Specifically, the qualitative measurement of mastery is defined dichotomously as attainment or lack of attainment of the stated objective.

The System

Any evaluation system must generate information upon which decisions can be made. Differences in evaluation systems are found in the amound and complexity of data collected and analyzed. A difference in evaluation systems is also found in the specificity 'of decision-making data gathered. In order to provide decision-making information data, data must be collected and analyzed. The evaluation system presented requires that a variety of data concerning the institution, students, staff, programs, services be gathered.

An outcome based program evaluation is three-tiered. The system examines (1) input; (2) process; and (3) outcomes on an interactive basis. The system also yields an interactive analysis of all factors that may impact upon student outcomes. Additionally, this model analyzes all data to determine impact of single factors (variables) upon outcomes and the impact of variables in combination with other variables upon student outcomes. Although the analysis of data is complex, the system is designed in a manner that will not require those involved to be statisticians. Those individuals involved in this evaluation system will, however, have to become knowledgable of the concept. In addition, those persons collecting data must be careful in data recording and must assure uniformity in collection procedures.

The task of data collection requires a locally agreed upon listing of variables to be measured. The previously mentioned Taxonomy of Variables is the framework within which the specific, measurable variables must be identified. The system addresses these measurable variables in a manner that allows for data collection and analysis. All suggested variables cover inputs, process and outcomes.

The system is based upon the use of existing information generally found in pupil and agency records. The key to ease in the collection of data is uniformity in existing records and in the extracting of data from those records. The identification of variables that impact upon pupil outcomes is accomplished by fitting mathematical models relating success or failure to those explanatory variables treating mastery or non-mastery as a discrete dichotomous variable.

The development of an evaluation system for correctional education is most timely in light of the many fiscal concerns on the national, state and local levels. Additionally, superintendents and other administrative staff are seeking a method of educational accountability that relates to the meeting of specific student objectives, while at the same time provides information that can be used in presenting justifications for program and service decisions.

The days of gathering human and fiscal resources for correctional education through humanitarian reasoning have evaporated. Concrete information with supporting evidence is and will be needed if appropriate correctional education programs and services are to continue to be provided. This evaluation system offers one method of providing such needed information upon which decisions can be made. While providing decision-making information, it must be recognized that many of the "old ways of doing things" must give way to defendable programs and services.

IF PROGRAMS AND SERVICES IN CORRECTIONAL EDUCATION ARE TO SURVIVE, EDUCATORS MUST LOOK TO THEIR "BOTTOM LINE."

The outcome evaluation offers a sound method for getting to that "bottom line."

A. Gregory Norcott, Ed.D.
57 Hopatcong Drive
Lawrenceville, New Jersey 08648

Microprocessors as Educators' Partners

M. G. Neithercutt
and
B. G. Carmichael

Criminal Justice Administration
California State University, Hayward

and

William P. Adams

Program Director
Volunteers of America Community Treatment Center, Sacramento

July 1984

MICROPROCESSORS AS EDUCATORS' PARTNERS*

Few innovations have the microprocessor's[1] potential for extending the user's reach. Ironically, that capacity remains virtually untapped, perhaps particularly among correctional staffs. The following comments introduce the interested to some possibilities.

In 1979 the senior author purchased a microprocessor for personal use. As a criminal justice resercher the idea was to enhance "number crunching" (data analysis) capacity, Shortly, innovation in word processing made that a very attractive upgrade and this paper chronicles our[2] experience in both uses of a microcomputer.

For the novice we distinquish between "hardware" and "software". The former includes machinery-usually, a CRT (TV screen), a keyboard, a central processing unit (the "computer's heart"), a storage mechanism (preferably disk), and a printer. Software includes all instructions to the machine designed to secure performance of tasks. Some software may be purchased and some of it may be created ("written") by the user.

Our discussion rests on experience with a 48K machine equipped with 2 disk drives and a letter-quality printer. The specific configuration, while it relates to software detail, is incidental to the applications described.

THE EDUCATOR

Focus herein is on how a microprocessor can enhance teaching and operations environments. Computers have fantastic capabilities; translating these to better education/production often is the "rub".

A basic element of value that a teacher has to offer is time: time to prepare, time to relate, time to evaluate, time to feed back impressions to further the educational experience, time to amass information with management/policy implications, time to interpret these for managers, time to represent students' interest's. Thus, to the degree that a tool (like a computer) can "make time" it enlarges understanding and capacity.

Examples are in order. A primary instructional aid is the orientation provided students at the begining of a course. For us, these written materials are of the three types: 1) general information, 2) syllabi, and 3) reading lists. the following 3 pages provide examples of each, respectively. THe orientastion page contains largely repetitive infornmation. Thus, it is useful to create one and use the computer STRIKE OVER feature to make the few alterations necessary from course to course. The sheet is produced in the machine once; thereafter, the infrequent modifications are made by appropriate insertions and a ditto master can be printed each time one is needed merely by appropriate program, positioning the blank master in the printer, and executing the PRINT command. This produces the printed (as if typed) material with appropriate spacing, lines centered on the page.

A syllabus may offer a different set of considerations. Certainly the "Date" column changes each term and there are probably other modifications to be made. This calls for creating a FORMAT document and as many variations on the theme as as one desires. Incidentally, this is the way those "personal" letters come to thousands at a time with your name and address interspersed coyly. The basic material remain the same, with insertions/deletions as required.

Reading lists present yet another problem. They are notoriously subject to continuing minor modifications that have a maddening way of requiring re-typing of the entire document. With the BLOCK ACTION feature material can be added, deleted or removed, correcting the mistakes without reproducing the whole document.

We observe that students tend to familiar errors on thier writing assignments. The "Term paper Commentary" sheet can be handed to students with thier syllabus, reviewed with them briefly before they write their papers, and provided them again when their work is returned, with marginal notations of the reference numbers describing their errors. As their writing problems change with time, the document can be revised raedily to accomadate this.

CrJA 4123 - "Victimization"

Winter Quarter 1983

B. G. Carmichael

Office	MI 4068
Office hours	11:30 - 12:00, 4:00 - 5:00 p.m. TTh and by appointment
Office phone	(415) 881-3203
Department	MI 4069
Department phone	(415) 881-3590

Grade Determination Method:

50 points	Final Exam (essay)
40 points	Term Paper (any crime victim topic)
10 points	Class Participation
100 points	
10 points	Extra Paper/Project (any crime victim topic)

CLASS SCHEDULE AND ASSIGNMENTS

CrJA 4123 "Victimization"

MI 4075 12:00 - 1:50 p.m. TTh

Text: (1) McDonald, W. R. (ed.), Criminal Justice and the Victim. Beverly Hills: Sage, 1976 — HV6205.3 U5C64

Supplementary reader: (2) Viano, E. C. (ed.), Victims and Society. Washington: Visage Press, Inc., 1976 — HV6028 V46

DATE	TOPIC	ASSIGNMENT
1- 7-83	The Victim and Crime	
1-12	"	1. pp. 13 - 15 2. 177 - 202
1-14	The Definition of "Victim"	2. 40 - 42
1-19	Offenders and Victims Interacting	2. 50 - 59
1-21	Victim Responses to Crime	1. 57 - 113
1-26	Results of Victim Responses to Crime	"
1-28	Victim Characteristics & Sanctions	1. 177 - 227
2- 2	Victim Compensation	1. 237 - 259
2- 4	"	2. 348 - 362
2- 9	The Media Defining the Victim	NEWSPAPER
2-11	The Elderly, Special Victims	2. 130 - 143
2-16	The Samaritan Victim	2. 144 - 157
2-18	Victimless Crimes?	2. 230 - 254
2-23	The Incompetent Victim	2. 382 - 390
2-25	The System as Victimizer	2. 560 - 578
3- 2	The Criminal Law as Victim Definer	PAPERS DUE
3- 4	The Victim after the Police Go	2. 203 - 229
3- 9	Improving the Victim's Lot	1. 165 - 176
3-11	"	2. 471 - 501
3-18	FINAL EXAM	

SUPPLEMENTARY READING
CrJA 4121

Abadinsky, H. PROBATION & PAROLE: THEORY & PRACTICE (2d edition). Englewood Cliffs, NJ: Prentice-Hall, 1982	HV9278 .A21982
Amos, W. E. & C. L. Newman (eds.), PAROLE, LEGAL ISSUES/ DECISION-MAKING. New York: Aberdeen Press, 1975	
Brodsky, S. L. & H. O. Smitherman (eds.), HANDBOOK OF SCALES FOR RESEARCH IN CRIME AND DELINQUENCY. New York: Plenum, 1982	
Grisso, T. JUVENILES' WAIVER OF RIGHTS: LEGAL AND PSYCHOGICAL COMPETENCE. New York: Plenum, 1981	KB86 .J8G7
Johnston, N. & L. D. Savitz, JUSTICE AND CORRECTIONS. New York: John Wiley, 1978, pp. 829-913	
Kassebaum, G., D. Ward, & D. Wilner, PRISON TREATMENT AND PAROLE SURVIVAL: AN EMPIRICAL ASSESSMENT. New York: WILEY, 1971	HV9275 K36
Killinger, G. G., H. B. Kerper, & P. F. Cromwell, Jr. PROBATION AND PAROLE IN THE CRIMINAL JUSTICE SYSTEM. St. Paul, MI: West, 1976	K68 P7 K54
Lillyquist, M. J. UNDERSTANDING AND CHANGING CRIMINAL BEHAVIOR. Englewood Cliffs, NJ: Prentice-Hall, 1980	
Neithercutt, M. G., W. H. Moseley, & E. A. Wenk, UNIFORM PAROLE REPORTS: A NATIONAL CORRECTIONAL DATA SYSTEM. Davis, CA: Uniform Parole Reports, March 1975	fHV 9278 N44
Okasaki, M. & M. Neithercutt, SACRAMENTO COUNTY PROBATION DEPARTMENT REFLECTION POINT, THIRD YEAR FINAL EVALUATION REPORT. Sacramento: Sacramento Area Criminal Justice and Delinquency Prevention Planning District, June 9, 1981	fHQ 799.73 .S13 O57
Roberg, R. R. & V. J. Webb (eds.), CRITICAL ISSUES IN CORRECTIONS: PROBLEMS, TRENDS AND PROSPECTS. St. Paul, MI: West, 1981	
Senna, J. J. & L. J. Siegel, INTRODUCTION TO CRIMINAL JUSTICE. St. Paul, MI: West, 1978, pp. 311-476	KB90 .S4
Sieber, S. D. FATAL REMEDIES: THE IRONIES OF SOCIAL INTERVENTION. New York: Plenum, 1981	

Book order forms, too, are easy to prepare by machine. since they may require entries close to the bottom of the sheet and do not come on continous forms, a fixed backing page assists in their completion. The same is true of our '''Faculty Directory Card''; since little changes on it from session to session, it can be produced quickly-and accurately-each quarter , for one faculty member or several. It represents use of a microprocessor to fill out a close-tolerance form.

LECTURE NOTES

Thus far the fortunate teacher will be able to scoff at our presentation as ''clerical work ''. Few have the luxury anymore of prepared lecture notes underpinned by on-call, last minute-and repeated-revision capability, features essential in growing-maybe even violate-subject areas. Page 9 gives an example of presentation notes prepared via computer. Observe several distinguishing features. The enteries can be added or omitted as described above. (THe unprentious "pprog" initiating the page is a mnemonic reminding us of how the machine recognizes this document.) Further, the BOLDFACE option highlights, for ease in quick-reference classroom use. They also can be printed out in part for production of visuals. We send these manuscripts to our Instructional Media Center where they are expertly made into slides.

VISUAL STIMULATION

Should the user want to "jazz up" this facility the possibilities are virtually infinite. We have programmed a BASIC utility that allows bordering slide materials in several styles. The GRAPHICS feature of computers are particularly relevant here if one has a GRAPHICS PRINTER. Further, a PLOTTER makes the presentation of curvilnear and other similiar phenomena much easier. We might add that graphics printers now render such quality copy that one can have the best of typwriting and graphics worlds in one, graphics printer.

A companion applications with a different focus is machine help with posting grades (or any categorical information, like assignment schedules). We have several formats for displaying grades a term's end, one of wich constitutes page 14.

CORRESPONDENCE

Knowing that the letter is central in the professional's existence, ways to ease correspondence burdens capture considerable effort, The following page shows a typical request for a publication. Once the master is available one has only to type in the address of the recipient for the envelope, repeat it in the letter by two key strokes (employing the

Term Paper Commentary

1. Double space at sentence end. 2. Use complete sentences.

3. Watch punctuation. 4. Avoid run-on sentences. 5. Avoid contractions.

6. Avoid repetition (redundance). 7. Leave at least a 1" margin on all page edges.

8. Cite sources of factual statements. 9. Avoid long sentences.

10. Begin a new paragraph when changing thoughts 11. Begin sentences with caps.

12. Indent & set off any quote exceeding 3 lines (quotation marks unnecessary).

13. Use consistent form in lists or other series. 14. Use dictionary to check spelling.

15. Use singular verbs with singular nouns & plurals with plurals.

16. Consult a thesaurus/dictionary to avoid repeating words. 17. Avoid abbreviations.

18. Allow your final draft to "cool" several hours; then review it to assure ready understanding on first reading.

19. Avoid dividing the last word on a page. 20. Quote carefully.

21. Title your paper. 22. Avoid using outdated sources.

23. When you designate an abbreviation spell the full term out on first use and put the abbreviation in parentheses. Thereafter, only the abbreviation is needed. Example: Deputy Probation Officer (DPO); subsequently, DPO.

24. Do not use a sheet you have used to back a page being typed for original copy.

25. Use a dictionary when dividing words; avoid leaving or carrying under 3 letters.

26. Avoid single-sentence paragraphs. 27. Avoid first-person usage in formal papers.

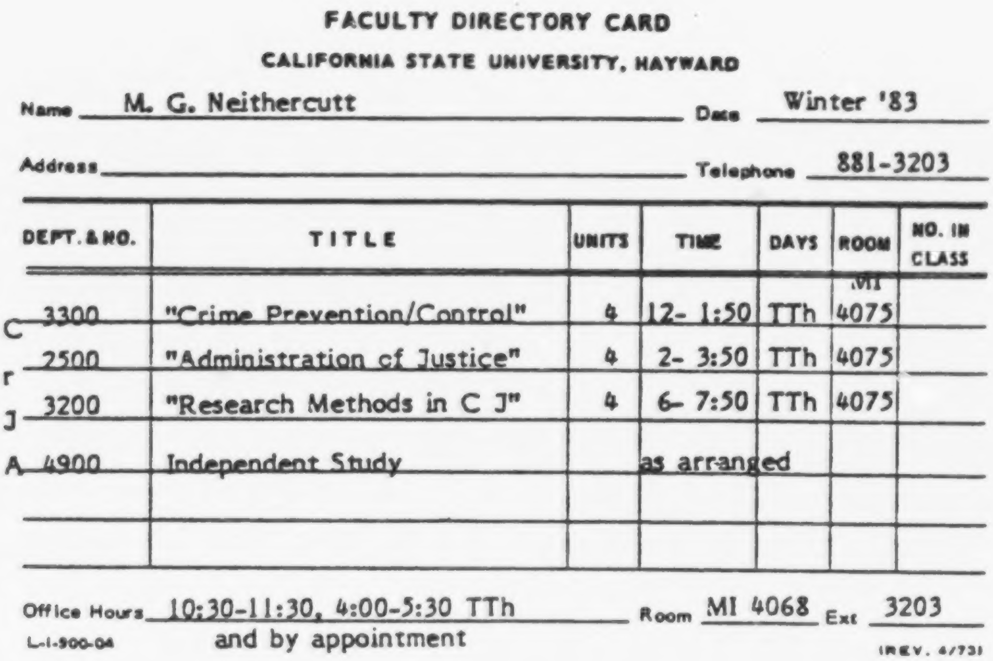
28. Usually a source citation includes either an author, an article title (in quotes), and/or a book/journal title (underlined), place and publisher (for books), journal # (for journals), date, and page numbers.

29. It is difficult to write a quality paper without producing at least one "rough" draft.

30. A paper is strengthened by using & footnoting information sources.

31. Be sure your referent is clear when you say "he", "they", etc.

All these rules facilitate communication. As you proof your paper the final time, read it from the position of one seeing the material initially.



FACULTY DIRECTORY CARD

CALIFORNIA STATE UNIVERSITY, HAYWARD

Name M. G. Neithercutt Date Winter '83

Address Telephone 881-3203

DEPT. & NO.	TITLE	UNITS	TIME	DAYS	ROOM	NO. IN CLASS
C 3300	"Crime Prevention/Control"	4	12- 1:50	TTh	MI 4075	
r 2500	"Administration of Justice"	4	2- 3:50	TTh	4075	
J 3200	"Research Methods in C J"	4	6- 7:50	TTh	4075	
A 4900	Independent Study		as arranged			

Office Hours 10:30-11:30, 4:00-5:30 TTh Room MI 4068 Ext 3203
and by appointment

L-I-900-04 (REV. 4/73)

"Promising Programs"

VOLUNTEERS (Alameda Co. & elsewhere)

HELP:

CLIENTS	THE SYSTEM	THE VOLUNTEERS

ELAN

BRONX STATE HOSPITAL PROJECT

OUTWARD BOUND & FLORIDA OCEANOGRAPHIC INSTITUTE

WEEKENDER WORK

SENTENCING COMMISSIONS

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YOUTH HOSTELS, PARTICULARLY FOR RUNAWAYS & W/"NO STRINGS"

SCARED STRAIGHT/SQUIRES OF SAN QUENTIN

PROBATION/PAROLE—REAL RATHER THAN IN NAME ONLY.

"Violation Rates"

VARIOUS WAYS TO DEFINE "VIOLATION":

AN ARREST   A CHARGE BY THE D. A.
CONVICTIONS ONLY
TECHNICAL VIOLATIONS ONLY   SOME COMBINATION OF THESE

VARIOUS METHODS OF CALCULATING VIOLATION RATES:

$$\frac{\text{\# OF VIOLATORS}}{\text{\# ON PAROLE}} \qquad \frac{100}{1000} = 10\%$$

$$\frac{\text{\# OF VIOLATORS}}{\text{\# REMOVED FROM PAROLE}} \qquad \frac{100}{200} = 50\%$$

$$\frac{\text{\# OF VIOLATORS}}{\text{\# IN PAROLE COHORT}} \qquad \frac{100}{800} = 20\%$$

THE FIRST ONE GIVES THE "MOST FAVORABLE" VIEW. HOWEVER, IF CASELOAD IS DROPPING THE VIOLATION RATE WILL APPEAR TO BE GOING UP EVEN IF ACTUAL VIOLATIONS ARE NOT CHANGING.

THE SECOND GIVES THE LARGEST VIOLATION FIGURE IN THESE EXAMPLES. IT TEMPTS ADMINISTRATORS TO DISCHARGE GROUPS OF CASES EARLY IN YEARS WHERE THE VIOLATION RATES ARE GOING TO BE HIGH OTHERWISE.

THE "COHORT" METHOD IS BEST AS IT PICTURES AN ACTUAL POPULATION RATHER THAN A COMBINATION OF OLD, NEW, AND OTHERWISE VARIED CASES.

VARIOUS WAYS TO DEFINE "VIOLATION":

AN ARREST   A CHARGE BY THE D. A.
CONVICTIONS ONLY
TECHNICAL VIOLATIONS ONLY   SOME COMBINATION OF THESE

VARIOUS METHODS OF CALCULATING VIOLATION RATES:

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$$\frac{\text{\# OF VIOLATORS}}{\text{\# IN PAROLE COHORT}} \qquad \frac{100}{800} = 20\%$$

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                    Example
           Bordered Slide Production


                    Another
                 Bordered Slide


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*           Last            *
*       Short & Sweet       *
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Course: CrJA		Course: CrJA		Course: CrJA	
Social Sec Number (last 4 #'s)	Course Grade	Social Sec Number (last 4 #'s)	Course Grade	Social Sec Number (last 4 #'s)	Course Grade

USER DEFINED KEY function), the date, and the publication identification. A master can be retained for each of those sources repeatedly used; then the only new entries each time are the date and the article/book's definition. This can greatly reduce cost of the usual letter (of about 200 words, taking 8 minutes to dictate), approximately $7.00.[5]

The burden of those blizzards of memos can be lightened similarly. We note that exchanges are quite repetitive, it being necessary to bring the reader "up to speed" each time. Updating an earlier document is immeasurably simpler than "starting from scratch".

This can be handled partially by the SYSTEM SETUP utility, which allows the user to tailor margins, page lengths, type style, etc. to taste. This combination of offerings makes computer word processors unique in their attention to the "dirty work" of document preparation.

For one who does outside consulting or otherwise receives requests for papers, test materials, etc., a document like that on the next page is essential. It can be used as a multiform (where the responsive box is checked each time) or the appropriate entry transmitted using the BLOCK COMMAND, individualizing the response.

A similar example is in the letter of recommendation, a staple in many circles. Recently we saw a special value in the microprocessor when a student was applying to ten law schools. We were able to type eight of the letters as originals without KEYING IN more than one. This left only two that necessitated individual production, those being required on the institutions' particular forms.

PUBLICATIONS

One need not define the place of writing/publishing in this audience's lives. Our discussion thus far doubtless has startled some with its relevance to manuscript production. Putting together this paper or any such presentation is eased vastly by the ability to insert omitted material, delete the superabundant, and so on. Not having to worry over where lines and pages end is a value, too. Wiht a DICTIONARY feature one gives less attention to spelling, even of jargon, which can be added to the standard dictionary test; with TOP OF FORM the manuscript can be typed in double or triple columns (see the last page of this document). If a publisher requires MACHINE READABLE manuscript (as some apparently do now), that hurdle is overcome readily.

The following page comes from a recent publication done on the microcomputer in "camera ready" form. The only

---

2-9-83

Dear

Please forward one copy of your:

Thank you.

Very truly yours,

B. G. Carmichael, D. Crim.
Director
Criminal Justice Administration
(415) 881-3590

2-9-83

Dear

Thank you for your publications inquiry of - -83 regarding:

( ) Please forward $ for each copy you desire and your order will be filled immediately.

( ) Your order will be filled shortly; we currently are unable to comply with your request.

( ) Our supply has been exhausted and we cannot meet your request.

( ) Other

If there are other ways we can assist please call on us.

Very truly yours,

M. G. Neithercutt, D. Crim.
Director of Research

portion not completed by the machine was the columnar shading (of 20½ "screen").6

VITAE

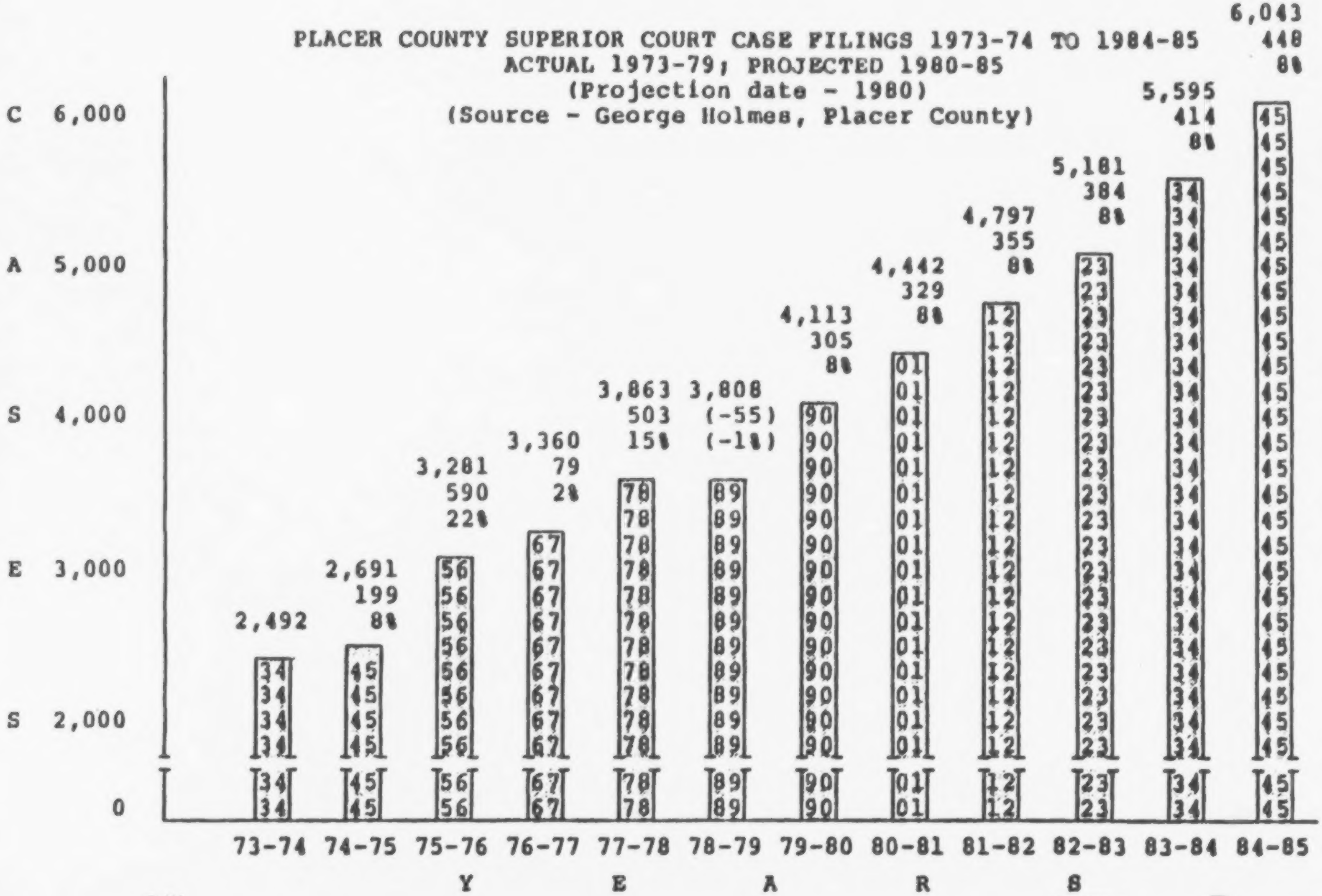
If "hard times" continue, one of the most appealing uses of the machine may be the production of resumes! An idea of how much one can improve the appearance of an otherwise humdrum submission by using several variants in a sigle document is available from these pages. The right margin can be "ragged", as usually produced on a typewriter, or printed using the RIGHT ADJUST feature, son both margins are straight. Observe also that the machine proportional

spaces throughout the line so the copy is of print quality. If one wants HEADERS and/or FOOTERS these can be specified, including what pages they will appear on and whether right or left margined (for producing "camera ready" printed pages reproduced "duplex").

Further, the CENTER feature lends a different flavor by allowing variety in both margins. For example:

UNIVERSITY COURSES TAUGHT

Administration of justice Causes of crime
Crime prevention & control Correctional & criminal justice
Decision making Ethics & justice administration



PLACER COUNTY SUPERIOR COURT CASE FILINGS 1973-74 TO 1984-85
ACTUAL 1973-79; PROJECTED 1980-85
(Projection date - 1980)
(Source - George Holmes, Placer County)

Modifying the document is quite simple, no matter where the change is needed or what it is, and as many "Oringinals" can be produced as are desired. Careful scrutiny of the edges of multiple-copy pages often will distinquish them in that their slight. unevenness reveals they were printed on CONTINUOUS FORM paper. The machine can use TRACTOR FED or FRICTION feed paper, in continuous or discrete (allowing a pause at each page's end) mode.

UTILITIES

There are any number of short, specific applications possible. You see below a machine-generated mailing label. Any recurrent addressee can be accessed this way, labels being produced in any quantity, in multiple formats, of whatever size is desired.

Ms. Ann Goolsby
Geology/Geophysics
University of California
Berkley, CA 94720

A similar document is the form used to request titles from our Instructional Media Center. It can be completed on the machine, leaving only the name of the requested materials for hand insertion.

For those interested in machine data analyses, we mention a program called "VISICLC". It is one of several "spreadsheets" availbale on many computer configurations and is especially attractive in that it allows one to "model", make a change in any among many interdependent variables and withness immediately the impact on others. This can be done either by rows or by columns so that uses as diverse as population counts and amortization tables can be accommodated.

Page 21 illustrates a typical estimation problem using this tool. One can change any value in the table and all effected digits are recalculated accordingly.

This introdues literally thousands of "business" applications. The most popular of these are accounting procedures, such as general ledger, accounts payable/receivable, inventory, and payroll. Most of a small company's financial transactions can be handled by properly integrating the available software. In addition, invoices, statements, checks, and so on can be machine produced, greatly cutting paperwork, drudgery, and errors.[7]

In most correctional settings there are monthly billings; repetitive lists of clients, inventory, etc.; counts; resident rosters (mandating endless retypes of I.D. numbers, status, location, room number, detainers,...); release/arrival notices; periodic progress report forms; terminal summaries and permanent record cards; letters of acceptance/rejection; the list seems endless.

CRIMINAL JUSTICE ADMINISTRATION COMPUTER COSTS
Estimates Based on Shared Usage until 1986
(Assumes "Apple II+" with statistics & word processing)

1983	1984	1985	1986	1987	1983-1987
1000	3100	5410	5000	2000	16510
2000	4200	6620	5000	2000	19820
2000	4200	6620	4000	2000	18820

ENDNOTES

1. Our use of the term "microprocessor" intends to convey the meaning that the machinery is no larger than a talbletop. That is, it easily fits office or other limited spaces, does not require special electrical or climate control arrangements or static-free environments, and is not prohibitively expensive. Other common, current terms describing this same equipment are "hobby" or "home use" computers. Avoid letting the diminutives mislead you to the conclusion their usefulness or capacity is inconsequential.

2. The words "our" and "we" indicate that at least one of the authors was involved in the described endeavor, either in concert with the others or alternatively.

See Neithercutt& Carmichael, "The Microprocessor and You, Professor", paper presented to Faculty/Student Colloquium, California State University, Hayward, CA, February 9, 1983 for a variation on this theme.

3. Computer commands (or facilities) are in caps to distinguish them as technical terms. A "Glossary" follows to further reader comprehension.

For a good introduction to the basic computer language of a particular supplier see the equipment's accompanying reference manual; this can be augmented with paperbacks like Coan, J. S. ADVANCED BASIC. Rochelle Park, NJ: Hayden, 1977. For the more applications oriented a good source of "turn key" programs se Sternberg, C. D. USING THE TR5-80 IN YOUR HOME. Ft. Worth: Radio Schack, 11980; for the "serious", Zaks, R. HOW TO PROGRAM THE Z80. Ft. Worth: Radio Schack, 1980 may offer a challenge. BYTE, THE SMALL SYSYEMS JOURNAL 7 (#12), December 1982 furnishes an example of relevant periodicals.

4. We have come to view this "put off" with skepticism, especially since we are now able to help our students with their term paper preparation via machine because of familiarity with relevant operations. Students seem susceptible to fears that their instructors are "out of it". Familiarity with computers gives teachers a welcome by-product; it quashes the glib indictment that no new thoughts have graced the suspect's mind "in twenty years".

5. "CMA Briefs, Phone call can cost less than a letter", Client's Monthly Alert (December 1983), p. 4

6. Neithercutt, M. PLACER COUNTY SUPERIOR COURT IMPROVEMENT PROJECT, FINAL THIRD YEAR EVALUATION REPORT. Sacrament: Sacramento Area Criminal Justice and Delinquency prevention Planning District, March 31, 1982, p. 5

7. See: "The Microcomputer; A Valuable Management Tool", CLIENT'S MONTHLY ALERT (November 1983), p. 3 and Kinnucan, P. & T. Leonsis, "Business Graphic Software: The Best and the Brightest", LIST 1: 31-2, 34, 36, 40-1 (December 1983).

GLOSSARY

BASIC - a fundamental computer language

BLOCK ACTION :also BLOCK COMMAND) - a computer feature allowing materials to be defined as a unit and moved, deleted, altered or otherwise treated apart from surrounding test

BOLDFACE - a print command making relevant text darker than other materials

BOOTING UP - turning on the computer

CENTER - a word processor command that centers the appropriate line of test

CONTINUOUS FORM PAPER - sheets of paper in a roll for successive, automatic use by a printer; it usually is perforated for easy "bursting" (tearing into discrete sheets)

CRT - Cathode Ray Tube (a television monitor)

DICTIONARY - word processor SOFTWARE that searches computer text for incorrectly spelled words

EXCEPTION REPORT - any unusual feature identification; e.g., list those students with less than 60 days to release

FOOTER - text repeated at the end of each page

FORMAT - a computer print feature using fixed material interspersed with varying entries, the latter being all that mut be entered to produce the full document

FRICTION FEED - platten-driven entry of paper into a printer, as in the standard typewriter; see

GRAPHICS PRINTER - computer driven printer (like a typewriter) having fonts not found on a standard typewriter; these characters are used widely in such applications as "video games"

HEADER - materials reappearing at the top of each successive page

KEYING IN - typing

MACHINE READABLE - materials in a form a computer can comprehend

PLOTTER - a computer printer designed to display pictorials of curvilinear, etc. relationships

RIHGT ADJUST - an alignment capability making the right margin straight (as in printed copy)

SOFTWARE - instructions to the computer

STRIKE OVER - an editing feature that allows making alterations by typing over the materials to be replaced with the entries desired

TOP OF FORM - a printing command that returns the current page to its top (used in multiple column production, as on this page)

TRACTOR FEED - a device attached to a printer so continuous form paper can be used and proper alignment assured

USER DEFINED KEY - a computer word processor facility that makes several dey entries abailable by pressing only one or two keys

VARIABLE LENGTH RECORD - facility for entering data elements of varying durations; opposed to "dedicated" (wasteful) recor

SPECIAL EDUCATION TEACHERS
IN A CORRECTIONAL SETTING: FACING THE CHALLENGE

"Teaching in prison leaves a taint on a man. You'll have a difficult time getting back into public schools if you ever want to." (Campbell, 1978)

To open an examination of teaching in a correctional setting with this passage from W. Reason Campbell's book, Dead Man Walking: Teaching in a Maximum Security Prison, may seem a bit ominous. It is not meant to deter special educators from entering the field, but rather to illustrate that correctional education is in many ways a unique job. Teachers who work in any correctional setting be it a prison, jail, juvenile detention camp or a community-based corrections program face challenges different from their public and private school counterparts.

Althogh no comprehensive study has been specified, the total number of correctional educators in the United States, estimates have placed the number at 30,000. In a 1979 evaluation of correctional education programs it was reported that less than one percent of correctional educators in institutional settings held certification in any area of special education. (Bell, Conrad, Laffety, Lutz, Miller, Simon, Stakelon, & Wilson, 1979).

Among the reported 2.3 million persons under correctional supervision in the U.s. there are over 550,000 adults and juveniles held in prisons, jails, and juvenile detention facilities (U.S. Department of Justice, Bureau of Justice Statistics, 1981).

Most correctional education (CE) programs have traditionally been located in these institutional settings, but the relatively recent development of alternative and court schools has increased the diversity of CE settings. In institutional settings the need for professional educators with competencies in both correctional and special education is critical. Current research (Heintz & Hurst, 1979; Eggerston, 1979; Morgan, 1980; Keilitz, 1980; and Kardash & Rutherford, 1983) points out that the percentage of learning handicaps among both adults and youth incarcerated within the criminal justice system is significantly higher than in the population with no record of contact with the criminal justice system.

Special educators who enter correctional settings without an understanding of the criminal justice system and some familiarity with correctional services may be unable to cope with the unique environmental and personality characteristics. To survive and teach effectively in a correctional setting teachers must have an understanding of inmate personality variables and a realization of the operational procedures which prevail within institutions. Awareness of the institution's system of reward and punishment is necessary for effective interaction with all inmates and especially with those who are handicapped. Handicapped inmates' behaviors are often exaggerated because they are frequently preyed upon by more aggressive inmates and because of learning problems are unable to interpret certain environmental cues. Handicapped individuals are frequently unable to understand spoken commands and unable to effectively make their needs known.

The unique populations found in correctional facilities, along with changes in individual behaviors resulting from institutionalization have caused some correctional educators to question the applicability of traditional definitions of exceptionality to incarcerated students:

> "...the normal definition of Exceptional Educational Needs does not discriminate between the normal and abnormal in a correctional facility." (Besag & Greene, 1981)

It could be argued that all incarcerated students have learning handicaps based upon behavioral characteristics. The correctional educator, however, must work to establish realistic definitions and to develop effective screening mechanisms which are sensitive to institutional conditions and how these conditions exacerbate the effects of the inmates' handicap.

Correctional special educators must be aware of various institutional demands in order to assist inmates in developing strategies for overcoming ability deficits. It is also important for correctional educators to recognize the significant ecological variables which compound profound learning and psychological characteristics of handicapped inmates. Bell, Conrad, Laffey, Katz, Miller, Simon, Stakelon & Wilson (1979) in a comprehensive examination of educational programs in correctional facilities identified twenty issues of significance to correctional education. Five of these issues have direct impact on correctional teachers: 1) lack of comprehensive planning to provide long-term funding, development and integration of educational programs; 2) low priority assigned to educational programs within the institution; 3) limitation of educational opportunity by lack of contact with the outside world; 4) hostility of security staff toward educational programs; 5) poor quality of instruction and lack of specially teachers. Correctional educators must be aware of the importance of each of these issues and the related challenges posted to correctional education programs.

The lack of comprehensive planning for long-term funding of correctional education results from the rapidly changing political nature of correctional programs, the low priority often assigned to CE within departments of corrections, and the custody-oriented operation of many problems. In many jurisdictions CE programs are not part of established school districts/systems, have only informal ties with state departments of education and do not have line-item status in the correction department's budget. CE programs often receive only residual funds from the corrections budget mechanisms for securing funding under the privisions of PL 94-142 or Section 504 of the Vocational Education Act.

Priority concerns in correctional institutions are generally in the areas of security, food, safety, and medical services. These have been addressed extensively in the American Correctional (ACA) Standards (Commission on Accreditation for Corrections, 1981) and have been the focus of numerous court interventions. Although there are presently twenty ACA standards relating to education programs in adult correctional institutions, none of these standards are mandatory. Using the ACA standards as a guide it appears that education programs are still considered optional in the arena of inmate services.

In a recent examination of CE vocational programs it was reported that less than 1.5 percent of the average total correctional institution budget is directed to educational services (Carlson, 1981). Despite a history of limited funding and the low priority of education in many correctional facilities there are some signs of improvement. The U.S. Department of Education has recognized inmates' need for education and established a Corrections Program within the Department. The role of the Corrections Program is to foster the dissemination of information on CE programs, to work toward the development of appropriate funding levels, and to establish CE policy. this has resulted in cooperative efforts by correctional education professionals to advocate congressional authorization and funding for correctional education programs. These trends should have a significant effect on the development of quality programming on a continuous funding basis and hopefully will require correctional agencies to establish long range CE plans and establish formal linkages with state departments of education which are responsible for monitoring compliance with PL94-142.

An influx of federal dollars, alone, however, will not solve the problems of correctional education. Within corrections and society, there is a great deal of support for a more punitive approach in dealing with the criminal offender. The correctional educator must make correctionists and the public aware of the skills they can teach inmates and of the potential impact these skills can have. CE professionals should advocate for modifications of correctional policies which provide disincentives to inmates to attend educational programs. In some states, inmate students receive less institution pay (subsistance level support from the state) than do residents who perform regular work assignments. This disparity serves as a disincentive to pursuing an education in prison and in fact identifies students as "second class" inmates. Recognition by correctional administrators of the importance of education might lead them to reduce these pay inequities. One way to raise the priority of education in corrections is to bring it to the attention of correctional administrativepersonnel both within the institution and in the State Department of Corrections.

Correctional educators in institutional settings are isolated from public school counterparts and may even be subjects of misunderstanding and distain by the public in general. Prisons are, by their very nature, removed from the public and for many citizens foster misconceptions and fear. Educators' isolation may not end with the general public it frequently extends within the institution.

Correctional educators are only a small percentage of the total institution employee population. In most cases, prison teachers have higher educational levels and salaries than the line correctional employees. These differences along with significantly different job assignment and professional goals can lead to non-acceptance of the teacher within the institution. Most CE teachers were trained with the expectation that they would work in an educational institution/agency. When new teachers find themselves in a non-educationally oriented setting, they discover that may of their basic assumptions most be modified. The challenge of coping with isolation from the public and at times from the ono-teaching institutional staff requires the CE professional to go beyond the classroom and the prison fence to sell to skeptics the concept of correctional education. Teachers can be assisted in this process by their colleagues and through the Correctional Education Association* which represents the profession, however, primary responsibility for CE advocacy rests with the indivdual educator who must not only teach in an often hostile environment, but also be a salesperson for education within the correctional setting.

The final issue concerns the quality of instruction in correctional settings and the lack of specially trained teachers. Increased funding for CE resulting in higher salaries, more up-to-date equipment, materials, and facilities would certainly help to reduce these problems, but the key to dealing with this issue is the development and implementation of both pre-service and in-service teacher training programs for CE.

Presently there are very few pre-service correctional education training programs, only one of which focuses specifically upon special education. Most teacher education programs do not include courses, or even curriculum components related to correctional education. Teachers who enter CE have expectations and training for public school settings. The correctional classroom often places very different demands on the educator.

> "Most CE professionals were not trained for their current jobs. We pursued preparatory training in response to non-CE career aspirations, and we identify as professions, in those careers." (Gehring, 1981)

The lack of a professional identity coupled with the absence of pre-service training dictates that in-service education programs need to be developed. To date there has not been a comprehensive examination of in-service correctional education programs. Because CE is a relatively small and geographically scattered and isolated field, there is a need for a cooperative approach to in-service education. Various jurisdictions should be incouraged to identify common in-service education needs and then jointly seek out recourse persons to assist in their staff development efforts.

---

*Correctional Education Association, 1400 20th Street, N.W., Washington, D.C. 20036

Pre-service and in-service teacher training needs could be most effectively met through the development of reginal resource centers. These centers could serve as the coordination points for cooperative efforts among jurisdictions and could develop model in-service and pre-service programs which could be presented by the in-house staff, or used by local trainers and university based teacher training programs. The centers could also provide a training network, which identifies quality preparation programs and personnel and match those having needs with those have expertise in CE training.

The skills of the special educator are greatly needed for correctional settings are disproportionately populated with handicapped inmates. The correctional educator teaching handicapped inmates must be competent in: 1) the characteristics of learning handicapped adolescents and adults; 2) appropriate screening and assessment procedures; 3) academic and vocational intervention procedures; 4) work adjustment and career development programs; and 5) techniques to assist the handicapped inmate to control his emotional liability within and outside of the educational setting.

This is certainly a challenging task and the rewards are not insignificant. Enterprising special educators need to develop programs within correctional settings which are 1) appropriate to the security needs of the institution; 2) sensitive to the intervention needs between learning handicapped and culturally deprived; and 3) designed to account for all levels of achievement potential, from slow learner through gifted. This is indeed a tall order, especially in view of the social/emotional deficits which many inmates possess. The special educator who develops effective programs which meet these needs will truly have made a significant contribution.

Dorrectional institutions offer opportunities to learn about characteristics of handicapped adults. White, Schumaker, Warner, Alley & Deshler, (1980) report that in the field of learning disabilities most interest in adults has centered primarily on the relationship of early reading disability to adult adjustment. White (1983) notes, "The field (LD adults) is so young that professionals have yet to delineate the common characteristics of the LD adult beyond descriptions found in case studies or in relatively small N studies" (pg. 2). The special educator working within the correctional setting would have an excellent opportunity to research the epidemiological characteristics of the population as well as develop inventigations into the effectiveness of academic, vocational and work procedures.

Correctional education needs the assistance of special educators who are willing to accept the challenges and assist in the education of handicapped incarcerates. Recognition of the fact that education represents virtually the only positive change-oriented activity available to mose inmates, points up the need for effective programs to meet the learning needs of all the residents of correctional facilities. The future growth and development of correctional education could be in the area of special education. Now is the time for special educators to focus their attention on correctional education.

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An Inventory For Identifying Aggressive Emotionally

Disturbed Incarcerated Youth

Ronald E. Fritsch, Ed.D.
Assitant Professor
Department of Special Education
Texas Woman's University
P.P. Box 23029, TWU Sta.
Denton, Texas 76204

ABSTRACT

The Inventory of Overt and Covert Agrressive Behavior has been constructed to assist correctional educators in identifying aggressive incarcerated youth. It differentiates three subclasses of aggression (physical aggression, instumental aggression, verbal aggression) readily observable in a variety of settings. Standardization data is being collected and current results suggest that the inventory has utility in identifying aggressive, incarcerated youth.

AN INVENTORY FOR IDENTIFYING AGGRESSIVE EMOTIONALLY DISTURBED INCARCERATED YOUTH

The high percentage of handicapped incarcerated youth is well documented and suggests that the three most prevalent handicapping conditions in correctional settings are learning disabilities, serious emotional disturbance and mild mental retardation (Smith, 1977; Morgan, 1979; Kardsh & Rutherford, 1983). Of the three handicapping conditions presenting the vast majority of control or management problems to correctional staff, the seriously emotionally disturbed youth is capable of disrupting the most controlled program component by exhibiting a wide range of inappropriate behavior. P.L. 94-142 defines "seriously emotionally disturbed" children between the ages of 3 and 21 as follows:

> The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance: (a) an inability to learn which cannot be explained by intellectual, sensory, or health factors; (B) an inability to build or maintain satisfactory inter-personal relationships with peers and teachers; (c) inappropriate types of behavior or feelings under normal circumstances: (d) a general pervasive mood of unhappiness or depression; or (e) a tendancy to develop physical symptoms or fears associated with personal or school problems. The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed. (Education of Handicapped Children, Federal Register, Section 121a.5, 1977)

The individual incarcerated youth creating the greatest concern for correctional staff, including the correctional educator, is the one who has difficulty building and maintaining satisfactory interpersonal relationships with a variety of people. Often this individual is the hard nosed aggressive youth stating; "I've got all the answers!", "I don't need anyone to tell me different!", and "I'll hurt anyone who thinks they can stop me!" this kind of student can be less than enjoyable in any educational setting, especially when they externalize their aggressive responses through physical assault, property destruction and profanity. Although "normal" youth exhibit various overt types of aggressive behavior, the degree and frequency of such responses are much lower than those of youth identified as emotionally disturbed (Kauffman, 1981). Thus, those in various correctional education settings charged with the education of acting out emotionally disturbed offenders must constantly be ready to respond to a variety of aggressive behaviors.

PROBLEMS MEASURING AGGRESSION

Projective measures, behavior rating scales, and aggression inventories have their weaknesses. Projective measures of aggression such as the Thematic Apperception Test (Anastasi, 1968) attempt to measure unobservable internal phenomenon. Such measures have numerous weaknesses relative to validity and reliability (Levine, 1966; O'Leary & Johnson, 1979). Behavior rating scales such as the Devereux Behavior Rating Scale (Swift & Spivack, 1967) are indirect observational devices requiring individuals to record past recollections of aggressive behavior readily forgetable. These screening instruments may be interpreted in a variety of ways and often contain a limited number of items related to aggression. Thus, there are not an abundant variety of aggression inventories and only a few attempt to differentiate subclasses of aggression.

CONSTRUCTION OF THE INVENTORY

ECOLOGICAL CONSIDERATIONS

Ecologists are aware of the varying interactions occurring within an individual's ecological space. As organisms interact within their ecosystems, they begin to associate with individuals in a variety of settings. The home is the first setting in which the child must interact with his/her mother, father or siblings. As the child mature chronologically, he/she begins to interact with a greater number of individuals when entering school. For most children, the school environment is a vital ecosystem which eventually introduces them to their peers. With the onset of pre-puberty, children find their peers to have a major influence in their lives. These early ecosystems are crucial and have a great impact on development as children grow and mature. The importance of applying ecological principles disordered children is considered crucial (Hobbs, 1966; Rhodes, 1967; Lewis, 1974; Harth, 1975; and Prieto & Rutherford, 1977).

EXTERNALIZED AGGRESSION

Externalized aggression refers to overt physically aggressive, instrumentally aggressive or verbally aggressive acts. These three subclasses of externalized aggression are observable in the community, including home, school, clinic and residential settings. Such acts may be expressed individually or in combination, and the order of expression may vary.

PHYSICAL AGGRESSION. Refers to an overt act which results in harm to a person of animal (i.e., fighting)

INSTRUMENTAL AGGRESSION. Refers to an attack on an inanimate object (i.e., throwing a chair, punching a wall, or destroying objects).

VERBAL AGGRESSION. Refers to the use of any negative verbal responses directed toward a person, place, or thing (i.e., cursing, swearing, or yelling at someone when upset).

THE INVENTORY OF OVERT AND COVERT AGGRESSIVE BEHAVIOR

The Inventory of Overt and Covert Aggressive Behavior is a 72 item, self report, ecologically based measure of overt and covert aggressive behavior. It is one of the few inventories that attempts to define three subclasses of externalized aggression that are observable at home, at school, or when youth are with their peers. The three subscales of the Inventory of Overt and Covert Aggressive Behavior consist of the following: Physical Aggression, Instrumental Aggression and Verbal Aggression. The Physical Aggression subscale consists of 33 items and focuses on physical violence directed against others (fighting, kicking, hurting others physically). The Instrumental Aggression subscale consists of 12 items and focuses on violence directed toward inanimate objects (throwing objects, breaking objects, slamming doors). The Verbal Aggression subscale consists of 27 items representing arguing, shouting, threatening, cursing or swearing. Items are ecologically based, asking youth whether they perform particular aggressive acts at home, at school, and when with their peers. Besides recording overt aggressive responses, children may select two covert choices. Covert choices state that a youth would like to perform an aggressive act or would never commit a particular aggressive act.

STANDARDIZATION

Standardization data has been limited to 200 subjects residing in major metropolitan areas in Missouri and Texas. Male and female subjects have ranged in age between 13 and 21 and have included emotionally disturbed youth offenders and nonoffenders. A factor analysis was conducted and individual item intercorrelations of .89 or less resulted in items being eliminated from the inventory. Data analysis involving canonacal correlation and dicriminant analysis is forthcoming.

Test-retest reliability coefficients ranged between .52 and .87 on the home, school, peers, physical aggression, instrumental aggression, and verbal aggression factors. An overall total test-retest releability coefficient of .87 was obtained. These results suggest is a reliable instrument. Additional standardization information is forthcoming.

CONCLUDING REMARKS

The Inventory of Overt and Covert Aggressive Behavior has utility in a variety of settings; public schools, detention facilities and correctional facilities. Currently, it is recommended for aggressive, emotionally disturbed, male and female incarcerated youth between the ages of 13 and 21. The author expects to remove the age restrictions shortly and expand them to older individuals.

The Inventory of Overt and Covert Aggressive Behavior looks at aggressive incarcerated offenders as they ineract in a variety of settings. The instrument views three different subdivisions of externalized aggression; physical, indirect (instrumental) and verbal. The inventory is recommended for identifying handicapped aggressive incarcerated youth.

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Psychopathic Behavior and Issues of Treatment

Robert J. Smith
c/o University of Maryland
Box 655
APO New York 09742

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Abstract

This paper details the failure of therapeutic interventions in North American programs for psychopathically-inclined youth. The argument is advanced that significant ground for this failure lies in the split between idealized values adhered to by therapists, and marketplace values governing the economic system. The characteristics of psychopaths show significant overlap with marketplace values, which causes trouble for them when - typically from the lower classes - they overstep legal boundaries based on officially venerated idealized values. Psychopathy is discussed in the context of more socially accepted Machiavellian behaviors. A rational treatment alternative is suggested, wherein lower class psychopathically-inclined youths would be trained in the finer points of current business management by upper class Machiavellians in a "Big Brother" system program. Selection criteria are suggested.

Psychopathic Behavior and Issues of Treatment

The Failure of Treatment

A recent newsletter crossing my desk (Youth Update, Shamsie, 1983) is aimed at "Providing information related to antisocial behavior in youth." It is essentially a review of articles from professional sources which in one way or another attempt to ameliorate delinquency problems among young offenders in North America. One review after another sounds the theme that, irrespective of brand of therapy - from individual case work, over behavior modification and family therapy to therapeutic community - they fail to live up to the expectations of their partisans and at best book small and disappointing "successes." This bleak picture is not confined to this newsletter. J. McCord, in a recent report (1978) of a follow-up of the extensive Cambridge-Somerville Youth Study begun in the late 1930s with 506 delinquency-prone youth, comes to the more than unsettling conclusion that those in extensive case work treatment were more likely to have been convicted of a subsequent offense than was the control group!

Hervey Cleckley, in the successive editions of his widely-quoted book on the psychopath (The Mask of Sanity, 1955, 1964, 1976) - a diagnosis affixed to many young offenders - retreats from a guarded optimism regarding possible treatment (1955) to a distinct pessimism in his last edition:

> The therapeutic failure in all such patients observed leads me to feel that we do not a present have any kind of psychotherapy that can be relied upon to change the psychopath fundamentally. Nor do I believe that any other method of psychiatric treatment has shown promise of solving the problem. Physical methods of therapy including electric shock have been attempted. Prefrontal lobotomy, topectomy, and transorbital lobotomy have been used in a few patients with severe disorder. Some encouragement was expressed by a few observers about the effects of these measures, but apparently they have not proved to be a real solution of the problem (1976, p. 439).

Distressing such data, and one is driven to wonder at the uniformity of such failure.

I should like to examine in somewhat more detail another extensive study of similar cases reported by W. McCord (1982) which I believe indirectly provides a clue to the direction for explaining such monotonous failures. McCord set about in the 1950s researching the effects of two contrasting milieu therapy settings on young delinquents[1]: What he characterized as the warm, permissive Wiltwyck School (fashioned after August Aichhorn) in New York, and the repressive, vocationally - oriented military style Lyman School in Massachusetts. McCord was himself associated with the Wiltwyck School and subscribes to its treatment philosophy.

The researchers were able to trace the careers of 340 male inmates and there were numerous findings from psychological testing over the years intervening until a 25-year follow-up in 1980 when the original subjects were in their late 30s and early 40s. Diagnoses, e.g., of psychopathy, were made on the basis of the original childhood records. McCord admits to a puzzle at the outset of his examination of the unexpected recidivism rates of these two samples from such unlike treatment experiences. In his own words:

> Measured in terms of prison and mental hospital commitments for serious offenses, Wiltwyck graduates had a much *lower* recidivism rate than did Lyman graduates up until age 25. The recidivism rates of Lyman graduates were originally quite high, but the rate *dropped* as they grew older. The Wiltwyck rates of criminal activity, however, *increased* steadily with age. Only a minority of *both* groups were still involved with the law between ages 35 and 40. Nonetheless, the proportion of active criminals in the Wiltwyck group exceeded that of the Lyman group by this period of relatively quiescent middle age (1982, p. 247-248, italics in original).

Interviews with some of these subjects in 1980 were instructive. They indicated that Wiltwyck graduates looked on the permissive, warm setting there as a *vacation from life*, whereas several Lyman subjects claimed they had made social connections at school which carried over to legitimate businesses and careers later.

McCord notes that Wiltwyck inmates were primarily Black and Hispanic, while those at Lyman were Irish and Italian Americans, and that the latter had an easier social setting to return to from the reformatory than the former. McCord claims that Wiltwyck rehabilitated most of its boys and Lyman did not

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[1] In this paper I am using terms such as antisocial youth, psychopath, and delinquent interchangeably even while fully aware that there are fundamental differences between them. The casual interchange seems justifiable to the extent that each of these groups musters *psychopathic-like* behavior (sometimes discussed as "spectrum disorders") which is what concerns me here, even though it is the classic psychopath that I view as the paradigm case.

(1982, p. 225). He seems to base this judgment on the comparatively low rate of recidivism among the Wiltwyck boys during the early years of release, but goes on the argue that only a social revolution equalizing opportunity for all ethnic subgroups could guarantee truly effective rehabilitation. He adds: "However desirable such a drastic change would be, it seems unlikely to occur in the foreseeable future" (1982, p. 255).

While I can and have (Smith, 1978) agreed with McCord that a social revolution in North America toward humanistic values - in this case equality of opportunity - would be desirable, and thereby especially salient for the Wiltwyck-treated person, I am by no means sure this utopian alternative is the only one. In fact, his own study points to another, more realizeable possibility within the realm of existing conditions. After all, the recidivism rate of Lyman School graduates did decline with age for all ethnic groups. Could it be that their values were more real-world appropriate than the Wiltwyck graduates'?

Marketplace Values and Psychopathy

The problem of psychopathic behavior falls at the interface of social, political, and philosophical considerations because the expression of symptoms is more purely social than is the case with diagnoses such as schizophrenia or manic depression, which appear to have more internal[2] input. Socially-expressed symptoms are perforce shaped by the values prevailing in a society. That values go a long way toward determining cultural adjustment is an often overlooked if nonetheless recognized phenomenon, established both in theory (Diaz-Guerrero, 1967) and research (Kaplan & Plaut, 1956; Egland & Hostetter, 1983). I have made the argument elsewhere in greater detail (Smith, 1978) that a watershed date in examining American[3] values can be put at about the World War II period. Unscathed by war and heir to a powerful high production economy, with rival nations flattened all about, major American corporations moved out to dominate foreign markets, e.g., Japan, West Germany, as they previously had at home. Investment and managing investment skills became more and more prominent in business, so that what remained of older puritan values - fair play, hard work, frugality, scrupulous honesty - ran second best to values stressing making a good impression, risky spending, and collaborating among the powerful. The morally clear-cut Protestant Ethic may be said to have turned into the morally slipery Social Ethic, to use William Whyte's (1956) term. These latter share variance with Fromm's (1947) "marketplace values," characterized by the desire to possess materially, to best others, and to aggrandize the self. The American moral philosopher, Arrington (1979), provides a list of symptoms common to psychopathy as he understands it[4] and I have matched them in Table 1 with slogans representing contemporary American Social Ethic values.

(Insert Table 1 About Here)

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[2] This is not to argue that there is no individual predisposition to psychopathic-like problems, e.g., among highly extraverted individuals, only that the expression is social.

[3] I think one can stretch this to read "North American" without doing too much violence to other nations.

[4] An additional characteristic of Arrington's - lack of drive or motivation - is not widely agreed on, and I have dropped it from the list.

I believe the virtually uniform failures booked by various therapies with psychopathically-inclined North American youth can be traced precisely to the failure to recognize the relation of these values to psychopathic symptoms. Instead there are misguided assumptions about psychopathy by therapists based on the values they are likely to unconsciously subscribe to and therefore to stress in treatment. These are traditionally some variant of the Protestant Ethic spiced with contemporary humanism featuring: altruism and empathy in human relations, a premium on truthfulness and sincerity, and emphasis on the future (including the desirability of delaying gratification). It is my contention that mere lip service is paid to such values in the public domain[5] and that pressure from the world of commerce insures that marketplace values are served.

What are the implications for treatment of persons whose alleged symptoms show overlapping variance with operational societal values "Overtly abhorred but covertly adored"? It can hardly be expected that they would desire self changes. To the degree that they come in conflict with the law - still based on Protestant Ethic suppositions - one must anticipate that they would see society's condemnation as built on shifting sand. Pertinent to this judgment are two additional characteristics of psychopathy: the psychopath is usually characterized as being of "good" intelligence (Cleckley, 1976) and as evincing little desire for treatment. The conclusion I draw from this is that (s)he feels is necessary, but merely a suitable break in life to get into a situation where these values can be employed without the sanctions that social institutions, enforcing idealized values, attempt to thrust on him/her. In treatment psychopaths frequently simply play along with a system, e.g., of behavior modification laced with Protestant Ethic values, until they are able to get out of the clutches of the authorities and back into the "real world."

Psychopathy and Machiavellianism

What is the evidence for the argument that psychopathic symptoms and societal values overlap significantly? There is indeed considerable about, but to review it systematically would lengthen this paper unconscionably. Therefore I shall confine myself to several summarizing observations. First, there is increasing recognition that there is a subspecies of the psychopath who may emerge from samples at large (Ray & Ray, 1982; Widom, 1977) and who reflects attitudes and behavior congruent with psychopathy. Moreover, research has shown a significant relation between traditional measures of psychopathy and personality characteristics showing related dynamics, for example, Machiavellianism. Machiavellians as described by Christie and Geis (1970) are unconcerned with conventional morality, manipulative, low in empathy, and objective and rational. Machiavellianism, unlike psychopathy, is not viewed as a pathological condition, but as a generally appearing personality characteristic which Christie and Geis believe is on the increase in industrial societies. Ray and Ray (1982) found a highly significant correlation (r=.48) between scores to the MMPI.Pd scale and Christie and Geis' scale to measure Machiavellianism. Smith and Griffith (1978) also found a significant correlation between these two scales (r=.25). Skinner (1984) has recently argued that Machiavellianism and success in business are positively related on the basis of the shared traits of extraversion and manipulative skills. It appears then that psychopathy does share significant variance with the normally distributed and socially acceptable Machiavellian behaviors.[6] Over the past decade seminars have been offered, first to managers in America, for example at the respected Cornell Graduate School of Business and Public Administration, and later in Europe, in the principles enunciated by Niccolo Machiavelli in his Sixteenth Century treatise "The Prince." Participants are first taught to think as Machiavelli teaches, then to deal with managerial problems on the basis of his principles. Some (freely translated) examples of relevant principles are:

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[6] I have provided evidence elsewhere (Smith, 1984) for the argument that psychopathy is also normally distributed & at its subclinical level might best be designated Social Psychopathy.

(1) Appearance is more important than reality; one needn't possess all the traditional virtues, e.g., wisdom, honor, truth, but it is important that one seem to possess them.

(2) Model your behavior on that of people whom you need to help you succeed. Show your boss you can be tough - but not as tough as he is.

(3) Don't lie or falsify things, but be deceptive when necessary and when it pays off.

(4) Do good for others when it is possible, but do them in when it is necessary - you must be able to play the role of a human and of a beast.

(5) It is good to be both loved and feared; if only one of these is possible, then it is better to be feared.

A Suggested Treatment Strategy for Psychopathy

The principles above indicate why positive correlations have been found between psychopathy and Machiavellianism. It is my thesis, based on equal parts of research and theory, that many persons given the label "psychopath" are unfortunate Machiavellians who, because of low social opportunity, have engaged their manipulating skills with grossly illegal rather than finely balanced legal activities. It follows that if such persons are trained within the framework of higher level social settings, e.g., through corporate apprenticeships, they can shed the approbation of a psychopathic diagnosis. In a recent research network newsletter from the American Psychological Association (Rickards, 1983) it is noted that one of the priority research areas of the Correction Division of the National Institute of Justice aims at encouraging private business to provide jobs for prison inmates.[7] The issue of whom to place in which jobs looms when few jobs are at hand.

I should like to propose that a course to be modeled on the courses taught managers be developed for inmates whose personality characteristics tend toward psychopathy. And managers should be recruited to apprentice promising individuals. Youth already psychopathically-inclined - coming up on the foul side of the law because of social disadvantage - should be schooled in principles complementary to these tendencies; that come up on the fair side of the law. I have not attempted to set up a formal program for extending these strategies to psychopathically-inclined youth, but envision a course much like those in progress for mangers: Generally articulated training principles illustrating Machiavelli's finer points, reinforced through dealing with case studies where the tactics would have job-related application. Basic criteria for candidates would be: Average plus IQ, appropriate interest in the opportunity, and a score above a cut-off point on a measure such as the Social Psychopathy (Smith, 1984) or Mach scales.[8] In a recent conversation, Stan Jones, the Vice-President for Government Relations for Blue Cross/Blue Shield, regarding a national policy for health financing told the American Psychologist:

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[7] One study in the aforementioned Youth Update that did report significant success with young delinquents featured an employment intervention program.

> It seems to me that for 90% of all DSM-III diagnoses, the appropriate treatment is either individual psychotherapy, drugs and psychotherapy, or drugs and hospitalization. Surely greater differentiation among treatment exists. How does the psychotherapy of someone with a phobia, a substance abuse problem, or a schozophrenia disorder differ from that of someone with an adjustment reaction (Vandenbos, 1983, p. 955).

What I have attempted above is to respond specifically to this question by recommending a "specific" program for a specific "adjustment reaction" for which to date no satisfactory therapy has been found. While my suggestion may appear radical, I believe it is also realistic.

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[8] A 16-item scale showing encouraging construct validity in preliminary research.

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INMATE SOCIAL SYSTEMS VERSUS CORRECTIONAL TREATMENT PROGRAMS: THE PARADOX OF THEIR COEXISTENCE

BARRY W. HANCOCK, Ph. D.
ALBANY STATE COLLEGE, ALBANY, GA

PAUL M. SHARP, Ph.D.
AUBURN UNIBERSITY AT MONTGOMERY, AL

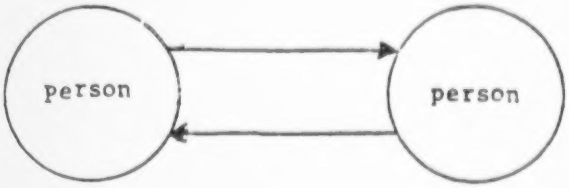
Direct all inquiries to:
Paul M. Sharp, PH.D.
Department of sociology
Auburn University at Montgomery
Montgomery, Alabama 36193

INTRODUCTION

The focus of correctional treatment programs in the development of innovative techniques of resocialization arose from three basic services first provided to offenders. Included were religious, medical, and educational services. (Allen, Simonsen 1978). Long has the premise been maintained that the offender in some way needed "treatment" or "rehabilitation", and not the social structure and secondary systems. Critics have denounced treatment programs as ineffective, citing recidivism rates which were approximately the same with or without treatment (Martinson, 1974). Notwithstanding the idea of treatment seems, at the surface, to be a noteworthy approach to the problems of crime. Could it be then, though the goal of treatment has a sound base, that the means or administration of treatment has a sound base, that the means or administration of treatment is the problem? This investigation seeks to demonstrate that the structural characteristics of the informal inmate social system and treatment programs cannot co-exist if the goals of treatment are to resocialize, reintegrate and influence positive change.

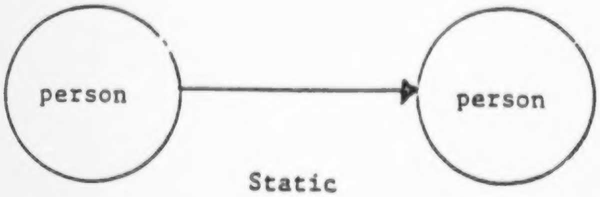
SOCIAL RECIPROCITY AND SOCIAL DIRECTIVE

Within the realm of human interaction there exists primary and secondary relationships (Cooley, 1907). Primary relations occurring within informal groups are characterized as dynamic and reciprocal at their genesis. The social dynamic allows for mutual imput and exchange of ideas, as an enduring process or luminous tension (Horkheimer, 1972). Figure 1 illustrates the flow of ideas in such an exchange. Such a dynamic relationship forms the basis for social praxis. A primary group such as the family through a series of exchanges, develops affective relationships and emotional bonds. The dynamic of such a reciprocity allows for the reality construction of not only objective constructs but for subjective, emotive authentication as well.



Dynamic Figure 1

Secondary structures and organization are static nature. That is , the flow of information exists in terms of a power directive, a one way flow of imputed reality. The result of such imputation is a negation of feedback and subjective authentication for the sake of predictability and controllable behavior. Such systems are efficient within a legal-rational framework.



Static Figure 2

Figure 2 illustrates the non-social nature of such systems which place the control of one individual or institutions into total dominance, while negating the feedback of the controlled recipient. In all major institutions (ie. government, industry, religion, and education) with the exception of the family unit, bureaucratic chains of command by their very nature require that individuals subordinate themselves to the next higher position. (Figure 3)

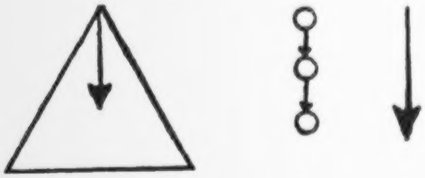


Figure 3
Direction of information; non-social allowance for feedback

The existence of both primary and secondary groups inside correctional institutions has been the pervasive catalyst for conflict. The formal system (secondary) of administrators and guards issuing policy and rule adherence clashes with the informal system (primary) of inmate interaction.

THE INMATE SOCIAL SYSTEM

Prisons are total institutions in which the residents' every activity, movement, and option are carefully regulated by the correctional staff and officers utilizing secondary chains of command. Little responsibility and autonomy is or can be afforded to inmates by such an organizational structure Tight constraints for the sake of custody compound an inmates personal inadequacy. What social interaction takes place, is with other inmates who find themselves in the same situation. The process of learning how to exist within prison leads to the adoption of customs, conduct, and the general culture of the prison. Consequently,

> ...PRISONIZATION OCCURS SPONTANEOUSLY EVEN IN NEWLY OPENED INSTITUTIONS; IT IS HANDED DOWN FROM PRISONER TO PRISONER, REMAINING A STRONG FORCE WHICH IS TRANSMITTED BETWEEN PRISONS, WORKING AGAINST THE RHABILITATION GOALS OF EVEN THE MOST ENLIGHTENED ADMINISTRATOR. IT IMPEDES RATHER THAN FACILITATES TREATMENT EFFORTS PREVENTING INMATES FROM ACQUIRING SKILLS, TALENTS, ATTITUDES, AND BEHAVIOR NECESSARY FOR SUCCESSFUL ADJUSTMENT IN FREE SOCIETY. INDEED, THE OPPOSITE TENDS TO OCCUR; INMATES ARE INFANTALIZED RATHER THAN MATURED. (ALLEN, SIMONSEN 1978)

Thus, emphasis is placed on control of the inmate population and is accomplished by means of coercive rules which prohibit certain kinds of behavior and subsequently affixes a punishment. Are formal secondary institutions the only functional means to cope with control? The process takes precedence over the individual, and prisoners become objects to be housed, worked, fed, secured, and released. Such a bureaucratic style conflicts with emphasis on positive change, due to the persistent dependency relationship it requires of those living under its control.

The literature is voluminous concerning inmate social systems. A common thread throughout, however, reveals that inmates, because of their deprived conditions, seek to normalize at least a semblance of social-emotive relationships with other inmates.

> "IT IS CHARACTERISTIC OF INMATES THAT THEY COME TO THE INSTITUTION WITH A PRESENT CUTLTURE"...DERIVED FROM A HOME WORLD-A WAY OF LIFE AND A ROUND OF ACTIVITIES TAKEN FOR GRANTED UNTIL THE POINT OF ADMISSION TO THE INSTITUTION...WHATEVER THE STABILITY OF THE RECRUITS' PERSONAL ORGANIZATION, IT WAS PART OF A WIDER FRAMEWORK LODGED IN HIS CIVIL ENVIRONMENT - A ROUND OF EXPERIENCE THAT CONFIRMED A TOLERABLE CONCEPTION OF SELF, AND ALLOWED FOR A SET OF DEFENSIVE MANEUVERS, EXERCISED AT HIS OWN DISCRETION, FOR COPING WITH CONFLICTS, DISCREDITINGS, AND FAILURES,...TOTAL INSTITUTIONS DO NOT SUBSTITUTE THEIR OWN UNIQUE CULTURE FOR SOMETHING ALREADY FORMED....THEY CREATE AND SUSTAIN A PARTICUALR KIND OF TENSION BETWEEN THE HOME WORLD AND THE INSTITUTIONAL WORLD AND USE PERSISTENT TENSION AS STRATEGIC LEVERAGE IN THE MANAGEMENT OF MEN. THE RECRUIT, THEN COMES INTO THE ESTABLISHMENT WITH A CONCEPTION OF HIMSELF MADE POSSIBLE BY CERTAIN STABLE SOCIAL ARRANGEMENTS IN HIS HOME WORLD. UPON ENTRANCE, HE IS IMMEDIATELY STRIPPED OF THE SUPPORT PROVIDED BY THESE ARRANGEMENTS...HE BEGINS A SERIES OF ABASEMENTS, DEGRADATIONS, HUMILIATIONS, AND PROFANATIONS OF SELF. HIS SELF IS SYSTEMATICALLY,...MORTIFIED. (GOFFMAN, 1961)

While inmates are most unlikely to adjust to the conditions of their confinement through either their individual efforts or cooperative liaison with members of the prison staff, they do find some resolve in a social reciprocity with other inmates through subcultural response or more adequately a reaction to the deprived conditions. Thus, the emergence of new culture patterns are sown by the structural conditions that inmates encounter.

> THE CRIMINAL CONDITION FOR THE EMERGENCE OF NEW CULTURAL FORMS IS THE EXISTENCE, IN EFFECTIVE INTERACTION WITH ONE ANOTHER, OF A NUMBER OF ACTORS WITH SIMILAR PROBLEMS OF ADJUSTMENT. THESE MAY BE THE ENTIRE MEMBERSHIP OF A GROUP OR ONLY CERTAIN MEMBERS SIMILARLY CIRCUMSTANCED, WITHIN THE GROUP....FOR EACH PARTICIPANT, THIS SOLUTION WOULD BE ADJUSTIVE AND ADEQUATELY MOTIVATED PROVIDED THAT HE COULD ANTICIPATE A SIMULTANEOUS AND CORRESPONDING TRANSFORMATION IN THE FRAMES OF REFERENCE OF HIS FELLOWS. (COHEN, 1955)

If it can be said that such subcultural systems develop then the values and beliefs of inmates are being perpetuated among themselves in the form of illegal, anti-system reaction rather than pro-legal, constructive attitudes.

TREATMENT PROGRAMS

There remains much ambiguity over the idea of treatment. Just exactly what do we "treat" or "rehabilitate" through our efforts within the correctional system? Programs of education, vocational training, and religion have in their own manner sought to bring about change within the inmate, however recidivism rates reveal the effect to be minimal. Consider the following table.

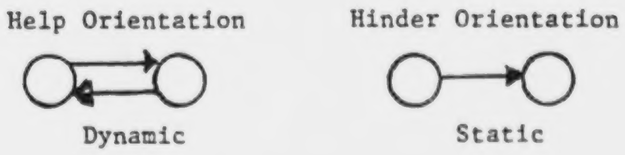
THE HELPING RELATIONSHIP

ORIENTATIONS THAT HELP

1. Reciprocal trust (confidence, warmth, acceptance)
2. Cooperative learning (inquiry, exploration, quest)
3. Mutual growth (becoming, actualizating, fulfilling)
4. Reciprocal openness (spontaneiy, candor, honesty)
5. Shared problem solving (defining, producing alternatives, testing)
6. Autonomy (freedom, interdependence, equality)
7. Experimentation (play, innovation, provisional try)

ORIENTATIONS THAT HINDER

1. Distrust (fear, punitiveness, defensiveness)
2. Teaching (training, advice giving, indoctrinating)
3. Evaluating (fixing, correcting, providing a remedy)
4. Strategy (planning for, maneuvering, gamesmanship)
5. Modeling (demonstrating, information giving, guiding)
6. Coaching (molding, steering, controlling)
7. Pattering (standard, static, fixed)



Gibb (1964)

Orientations that help, contain mutual growth, confidence, and interdependency, while orientations that hinder are controlling, manipulative, and coercive. Institutions by their very nature are static towards those persons who come under their influence whether they be the "helper" or the "helped". Often the inmate as a recipient of "help" becomes more helpless and dependent, less able to make decisions, passive, and more helpless and dependent, less able to make decisions, passive, and more concerned about conformity and propriety. Behavior modification advocates, through rewards and punishments, seek to obtain a "conforming citizen." However, they assume that because the external behavior has changed the values and attitudes are also altered.

Basic to a help relationship in the reciprocity of trust. Does an inmate within an institution develop trust with a counselor or does he perceive the counselor as only another mouth piece for the institution? Can a counselor from a secondary institutional role(o-o) overcome the illegal anti-system orientation perpetuated by the inmate subculture which has become and institutional "survive" group? Within a controlled institutional environment treatment efforts are at best an exercise in policy adherence. The external "form" is present but the internal "content" is lacking. What a little good comes from one or two hours of counseling per week is contaminated when the inmate returns to the inmate social system. It is not difficult to understand the ineffectiveness of correctional treatment programs when we consider these structural difficulties. The position occupied within the informal inmate society, and the character of the formal organization which prompted the emergence of the informal system may be a better predictor of the long and short term effects of confinement.

TREATMENT PROGRAMS, WHETHER IN PRISON OR ELSEWHERE OPERATE WITHIN A SOCIAL CONTEXT...THAT CONTEXT IS THE FORMAL AND INFORMAL SOCIAL ORGANIZATION OF THE PRISON. BEHAVIOR IN THE TREATMENT PROGRAM HAS IMPLICATIONS FOR THE WIDER CONTEXT; THE INDIVIDUAL'S POSITION IN THE INFORMAL SOCIAL ORGANIZATION MAY HAVE IMPLICATIONS FOR HIS PARTICIPATION IN, AND REACTION TO, MANY ASPECTS OF INSTITUTIONAL PROGRAMS, INCLUDING THE TREATMENT PROGRAM. (KASSEBAUM ET AL., 1971).

Herein lies the paradox of inmate social systems and treatment programs stemming from a formalized control structure. What becomes the enemy of correctional program effectiveness is not criminal pathology as much as the formal organizational structure of an institution which is in diametric opposition to the needed environment for social, problem solving.

The headway made, in what counseling sessions that exist, is deteriorated when an individual is returned to a deprivation situation.

SUGGESTION FOR CHANGE

Several viable changes could be incorporated by lawmakers and prison administrators to enhance correctional treatment:

1. Breakdown of the inmate subculture by designing prisons in a pseudo-Pennsylvania prison style. Inmates would be isolated from other inmates with anti-legal attitudes. Visitation could be given to family, ministers, social workers, teachers, the wardens, and others who are concerned with an inmates success and not sub-rosa statuses. Conjugal visits, reading material, and other educational resources could be provided if so desired.
2. Because the inmates in most institutions are well versed in playing the parole game, this incentive should be removed. This author suggests that non-violent offenders receive no more than five years in prison, preferably less than three years. Parole should be abolished along with indeterminant sentencing. If an inmate desires counseling or religious activities under these conditions the motivation could then be better attributed to voluntary personal betterment and not a "con-job."

3. Abolish the "military model" of prison structure with the exception of facilities that house violatile inmates.

4. Ideally corrections should be in the community where the offense took place. This is not a problem, selling the public on the idea is.

5. Utilize volunteers from the community for resource persons, aids, teachers, and a pool of "pro-legal interactants", with the non-violent inmates.

6. Finally, change must occur within the social structure wich is often times the catalyst to criminal activities. Change must occur in the judicial proccess to decrease judicial discretion and insure the punishment of prison or a fine is relative to income and social class. A two hundred dollar fine is no punishment for someone making forty thousand a year, but may be devastating for a welfare reciptent.

Let us recognize that these are only suggestions and by no means are they conclusive.

Treatment programs as they have been implemented may have achieved no more success than any other correctional strategy; however, this may be due to structual constraints more than treatment per se. For treatment programs to succeed, formal structures must decentralize their bureaucratic, "military model" management. Archaic ideas of a criminal pathology, with the exception of certain violent offenders, must be shifted to the social class realities of crime and subsequent treatment.

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THE CRIMINAL AS HERO IN AMERICAN FICTION

Theresa Godwin Phelps

Which is the justice? Which is the thief?
KING LEAR IV, vi, 150

No human law is of any validity, if contrary to the law of nature.
Blackstone

A people unaware of its myths is likely to continue living by them.
Richard Slotkin, REGENERATION THROUGH VIOLENCE

INTRODUCTION: THE JACK HENRY ABBOTT AFFAIR

The most recent "heroic" criminal to emerge in the world of American letters proffers the most tragic story of all: not because his plight or his victim differs significantly from his predecessors, but because he is not, except in an ironic way, the product of a writer's imagination. Instead he is a real man, a real criminal--Jack hernry Abbott--whose release from prison was urged upon the Utah Board of Corrections by eminent writers and editors. The literacy community had hoped that Abbott's life after his release would fulfill the myth of the criminal redeemed by art, or the myth of the noble outsider at last accepted by a redeemed society. Abbott refused to live out a mythic pattern, maintained the code he had learned in prison--kill or be killed--and killed once more. Although Abbott asked that his life not be seen as a "saga,"1 his disappointed supporters had expected it to be thus. Abbott's "saga," however, began long before his latest crime.

In 1981, Random House published a unusual book, which immediately received much critical attention. This book, **In the Belly of the Beast: Letters from Prison**, is a collection of letters written by Jack Henry Abbott, a federal prisoner, to Norman Mailer, the well-known writer. In his introduction to **In the Belly of the Beast**, Mailer recounts the book's genesis:

> ABBOTT HAD SEEN A NEWSPAPER ACCOUNT THAT STATED I WAS DOING A BOOK ON GARY GILMORE AND VIOLENCE IN AMERICA. HE WANTED TO WARN ME...THAT VERY FEW PEOPLE KNEW MUCH ABOUT VIOLENCE IN PRISONS.... IT PROBABLY TOOK A DECADE BEHIND BARS FOR ANY REAL PERCEPTION ON THE MATTER TO PERMEATE YOUR PSYCHOLOGY AND YOUR FLESH. IF I WER INTERESTED, HE FELT HE COULD CLARIFY SOME ASPECTS OF GILMORE'S LIFE AS A CONVICT.2

Abbott had experienced far more than the requiste "decade behind bars." The son of a prostitute, Abbott spent his early years in a string of foster homes. At 9 years of age Abbott was sent to a juvenile detention center for "failure to adjust." At twelve, he entered reform school and was set loose six years later. After six months free, Abbott was sentenced to a penitentiary for "issuing a check against insufficient funds." Three years later, he killed a fellow inmate. At twenty-seven, Abbott escaped from prison and remained free for six weeks; during this time out of prison, he robbed a bank. Thus from twelve to thirty-seven years of age (his age when he first wrote to Mailer) Abbott had been free for less than ten months. He had spent over twenty years in the "big" prisons--Leavenworth, Utah State Penitentiary, and San Quentin.3

Abbott's decision to write to Mailer appeared to be a crucial turning point in his life. Mailer, taken with the unique voice present in Abbott's letters, the voice of "an intellectual, a radical, a potential leader, a man obsessed with a vision of more elevated human relations in a better world,"4 not only saw to it that Abbott's letters were published, but also urged the Utah Board of Corrections to release Abbott. Robert Silvers, editor of **The New York Review,** and Erroll McDonald, and editor at Random House, joined Mailer in helping to secure Abbott's early release. On June 5, 1981, the Utah Board of Corrections reluctantly granted Abbott conditional parole. In July 1981, Random House released **In the Belly of the Beast.**

The critical response to **In the Belly of the Beast** was widespread and varied. The jacket blurbs quoted reviewers who called the book "fiercely visionary," "awesome," "brilliant," "astonishing," and claimed the book had "heroic accuracy and detachment." In the influential **New York Times Book Review,** Terrance Des Pres wrote that he saw in

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1- Kakutani, **The Strange Case of the Writer and the Criminal,** New York Times Book Review, Sept. 20, 1981, at 1, col. 1. Abbott wrote to Mailer: "My life is not a 'saga,' and I resent your using the term like that. I do not feel 'heroic.'"

2- N. Mailer, Introduction to **THE BELLY OF THE BEAST** ix (1981).

3- **Id.**

4- **Id.** at xi.

Abbott's letters a "potent mix of rage and despair."5 Making a leap of faith, Des Pres claimed that "[f]ew among us will know enough about the state of our prisons to measure Abbott's credibility. Failing that, we shall simply have to trust him...."6 Des Pres did go on to speculate about the curious appeal of a convict's stories about prison life:

> AMERICANS HAVE SO LONG DEEPLY ROMANTICEZED THE LONER, THE OUTLAW, THE TRULY TOUGH MAN, THAT EVEN WHEN THE HUMDRUM HORROR OF SUCH LIVES IS MADE CLEAR, A RESIDUAL GLAMOUR REMAINS.... EVEN WHEN WE EMBRACE THE ETHIC OF LAW AND ORDER, THE CHARIMA OF THE UNDERWORLD RETAINS ITS **SUB ROSA** PULL.... OUR FASCINATION WITH OUTCASTS HAS WORKED IN HIS [ABBOTT'S) FAVOR.7

Despite his well-articulated consciousness of the psychological processes at work in any reader's response to Abbott and his book, Des Pres joined other members of the New York literati in thanking Mailer for affecting Abbott's release: "[W)e must be grateful to(Mailer) for getting these letters into publishable form and...for helping to get Abbott out on parole."8

Other reviewers were less enthusiastic, and perhaps more cynical than Des Pres. Barry Jacobs in the **Village Voice** wrote that **Belly** "reads like so many haphazard streams of molten rage," and that "The growl in Abbott's throat is still more chained dog than literary lion."9 Jacobs found in the book "an ethical tension...which implies that if we identify too much with the author we, in a sense, condone his murders and agree to fight his revolution; if we don't we are castigated as oppressors. Abbott leaves no middle ground...."10

Roderick Nordell, in the **Christian Science Monitor,** sanctioned Mailer for dramatizing Abbott's sordid history saying that Mailer's "introduction comes unfortunately close to Maieresque romanticization of forceful personalities gone astray."11 Nordell saw little literary merit or intellectual genius in Abbott's letters. Instead he wrote that Abbott's "jumbled notions...betray a mental as well as physical isolation against which his questing talent will have to struggle."12

These mixed reviews and ambivalent responses to Abbott's book coicided with the tragic anticlimax to Abbott's rise to literary renown and release from prison. On July 18, only hours before Des Pres' glowing bed to death, and Abbott was the likely perpetrator. The ironically mundane details of the crime were summarized thus:

> (T)HE CATALYST WAS TRIVIAL. ABBOTT GOT INTO AN ARGUMENT WITH A WAITER AT AN ALL-NIGHT DINER ON THE LOWER EAST SIDE AFTER THE WAITER EXPLAINED THAT THE RESTAURANT'S INSURANCE POLICY DID NOT ALLOW FOR PATRON USE OF THE RESTROOM.
>
> THE TWO STEPPED OUTSIDE AND* WITHIN SECONDS, 22-YEAR-OLD RICHARD ADAN* AND ASPIRING ACTOR AND PLAYWRIGHT, WAS DEAD. HE HAD BEEN STABBED ONCE THROUGH THE HEART.
>
> ABBOTT FLED, LEAVING HIS EMBARRASSED AND PERPLEXED CELEBRITY FRIENDS AND THE VICTIM'S GRIEVING FAMILY, WHO FELT THAT THE TRAGIC DEATH WAS SOMEHOW THE RESULT OF LITERARY HYPE.13

Mailer, Silvers, McDonald, and other Abbott supporters were incommunicado after the slaying, apparently unable to comprehend or explain the actions of their protege. Two months later Abbott was apprehended at a Louisiana oil field and returned to jail. On January 21, 1982, he was convicted of manslaugter in the first degree by a jury verdict in New York State Supreme Court.

Shortly following Adan's killing, two noteworthy articles appeared--Lionel Abel's "Murder and the Intellectuals--When

5- T. Des Pres, New York Times Book Review, July 18, 1981, at 405.

6- **Id.**

7- **Id.**

8- **Id.**

9- B. Jacobs, **Village Voice,** June 17, 1981, at 40.

10- **Id.**

11- R. Nordell, **Christian Science Monitor,** Aug. 10, 1981, at B4.

12- **Id.**

13- M. Coakley, **Chicago Tribune,** Oct. 25, 1981, at Section 3, 10.

Foul Looks Fair'' and Michiko Kakutani's ''the Strange Case of the Writer and the Criminal.'' Abel and Kakutani analyzed what had occurred, and what had gone awry, in the Jack Henry Abbott affair. Unlike Des Pres, Abel found little worth in Abbott's book:

> I HAVE LOOKED THROUGH JACK HENRY ABBOTT'S **IN THE BELLY OF THE BEAST**' AND I FOR ONE FIND IT WITHOUT INTEREST, AND ABBOTT A WRITER OF A FEW LITERARY GIFTS. HIS BOOK IS, IN FACT, A FRAUD ON THE PUBLIC, EXCEPT, PERHAPS, INSOFAR AS IT PROVIDES INFORMATION (SOME OF IT CERTAINLY FALSE) ABOUT ABBOTT HIMSELF AND THE TIME HE SPENT IN PRISON.... THERE IS NO CONTINUING NARRATIVE HERE, AND NO LYRICISM OF EITHER LANGUAGE OR EVENT.14

Abel further suggested that the Abbott affair singled out ''the unwillingness of our writers and intellectuals to find crime or criminals objectionable,'' and dramatized a ''confusion of literary, legal, and moral values.''15

Kakutani (in **The New York Times Book Review** which had published Des Pres' review) asked perplexing questions: ''Why were members of the literary community so solicitous of his [Abbott's] work? What was it about Jack Abbott that made them so eager to champion his cause?''16 His own answers to these crucial questions attempted to place Abbott in a literary context:

> INDEED, AUTHORS HAVE LONG EXHIBITED A CURIOUS FASCINATION WITH THE MAN OUTSIDE THE LAW--A FASCINATION REFLECTED IN THEIR OWN WORK, AS WELL AS IN THEIR PUBLIC SUPPORT OF SUCH WRITERS--AND IT IS WITHIN THIS TRADITION THAT THE MOST RECENT[ABBOTT] EPISODE MUST BE SEEN.17

Kakutani saw similarities in Abbott's story not to the stories of other criminals, but rather to literary figures, particularly the heroes in Norman Mailer's novels: Sergius Shaugnessy in **The Deer Park** and Stephen Rojack in **An American Dream.**

Developing the idea that the literary community superimposed its own romantic structure on, and in effect fictionalized, Jack Henry Abbott, Kakutani quoted Joycd Carol Oates who wrote regarding **In the Belly of the Beast** that ''[I]ntellectuals of the upper middle class are vulnerable to romanicizing 'criminl elements' because, of course, they are unacquainted with them, and we tend to romanticize things that are strange to us.''19 Kakutani concluded that ''the idea of the outsider...is a well-worn literary convention...[that] has been useful in defining the perimeters of bourgeois society.... [H]e came to be seen as a positive alternative to rational man fettered by society's institutions.''19

Yet even Abel's and Kakutani's insightful articles leave many questions unanswered. Kakutani fails to explain why we should place Abbott in a literary context at all. Does the human imagination, when confronted by the unfamiliar or incomprehensible (in this case a man who murders without cause or guilt), make an unconscious detour into the comprehensible and interpret that person or event **as if** he or it were fiction? Reviewers of **Belly** did not limit their comments to Abbott's book. They reviewed Abbott's life, making it a story and seeing the book as one central event in that mythic life. Translating Abbott and his life into a myth enables us to comprehend and thus control him and his world.20

Such wise speculation comes, of course, only after Jack Henry Abbott's violent act brought us to our senses. Many of us knew about Abbott, his book, and his release, yet few of us raised our vioces in protest or even in query at the sequence of events. Certainly most people had expected that Jack Henry Abbott's life would imitate art: that like so

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14- L. Abel, **Murder and the Intellectuals: When Foul Looks Fair,** 72 COMMENTARY 64, 65 (1981).

15- **Id.** at 64.

16 M. Kakutani, **supra** note 1, at 1.

17- **Id.** at 36.

18- **Id.** at 36.

19- **Id.** at 36.

20- See, R. SLOTKIN* REGENERATION THROUGH VIOLENCE: THE MYTHOLOGY OF THE AMERICAN FRONTIER 1600-1860, 3-24 (1973).

many fictional outsiders and law-breakers, he would not only be redeemed (by his art, perhaps), but might also redeem us. Had the metaphoric outsider so permeated American literature and the American imagination that it merged with or even replaced reality? Were we as a society unable to respond to Jack Abbott other than to confuse him with our literary heroes, such as Huck Finn and Natty Bumppo? Surely a vast cham ought to have separated a fictional criminal used metaphorically to stand for an idea (to define society's perimeters or American individualism) from a real crimianl such as Abbott. What can explain our confusion, our naive willingness to leap that chasm and therby set the stage for Jack Henry Abbott, and for Richard Adan's tragic death? What qualities in our heritage had disposed us to such excess?

To discover those qualities we need first review the literary tradition which we Americans have inherited. Like most things American, our literature has its roots in Europe. Let us look at the origins of the most familiar and popular American art form--the novel--and discern who our literary heroes have been and who they have become.

THE EARLY NOVEL: PICAROS AND THE PICARESQUE NOVEL

The birth of the novel as a literary form in the sixteenth century was accompanied by the birth of the picaro, the rogue hero who charmed and thieved his way through many early European novels such as **Lazarillo de Tormes** (1554) and **Tom Jones** (1749). This hero and the picaresque novel mark the beginning of the popular acceptance of the myth of the romantic or heroic criminal. An examination of the picaresque element in literature will aid in understanding the forces at work when Jack Abbott appeared on the American scene.

Although scholars continue to debate the precise definition of "picaresque" and "picaro," some generalizations can be made about the picaresque novel's history and patten. **Lazarillo de Tormes**, published anonymously in Spain in 1554 is widely considered the prototype or precursor of the picaresque novel. The best known of the early picaresque novels is, of course, Cervantes' masterpiece **Don Quixote**, published in two parts in 1605 and 1615. The picaresque genre spread quickly to France, Germany, and England. In England Defoe's **Colonel Jack** (1772) and **Moll Flanders** (1722), Fielding's **Tom Jones** (1749), and Smollett's **Roderick Random** (1748) and **Ferdinand Court Fathom** (1753) popularized the picaresque novel in the English-speaking world. Moll Flanders, in particular, is thought to mark the turning point in the history of fiction.[21] In the late eighteeth century, realism took over as the dominant literacy method and the picaresque novel lost prominence.

All picaresque novels share certain characteristics; most basic, of course, is the picaro-hero. The **First Dictionary of the Spanish Academy** (1726) defines a picaro as "low, vicious, deceiful, dishonourable, and shameless."[22] This definition falls wide, however, of the typical picaro's character. The usual picaro might well be deceitful and dishonorable, but not malicious. His personality is less evil than the Spanish Dictionary defines: he is variously described as "an unattached outsider,"[23] "an unscrupulous gate-crasher,"[24] "a merry rogue,"[25] and by a seemingly endless assortment of derogatory but not evil epithets. The picaro is usually lowborn--an orphan, bastard, or bunled baby of some sort whose origins are disreputable or unknown. Society rejects him because of his shameful birth and thus mandates he become a criminal or trickster in order to survive in a hostile, unaccepting world. The picaresque novel chonicles, frequently in the first person, his adventures.

In the typical plot of the picaresque novel, episode follows episode with little connection or coherence. The picaro's fortune swings high and low-spells of unexplained good luck followed by equally unexplained bad. The picaro hero's presence and voice serve as the only connecting devices. Since the novel's point of view is usually limited to the picaro, who has little understanding of why random events assault him so, the reader's sense of meaning and cohesion is likewise limited.

The picaro adopts a protean personality to adapt to and survive Fortune's roller coaster. He can and does play many parts; he is "every man he has to be, and therefore no man."[26] Consequently, his character is unstable and

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21- ALEXANDER PARKER, LITERATURE AND THE DELINQUENT, 4-6 (1967).

22- **Id.** at 4.

23- **Id.** at 5.

24- **Id.** at 5.

25- A. BLACKBURN, THE MYTH OF THE PICARO--CONTINUITY AND TRANSFORMATION OF THE PICARESQUE NOVEL 1554-1954, 10 (1979).

26- STUART MILLER, THE PICARESQUE NOVEL 71, (1967).

"[h]e cannot love or feel strong emotion; he is incapable of anchoring his personality to some ideal or idea of conduct."27 His condition is what Camus calls "cosmic homelessness."28

The picaro differed sharply from the godlike heroes of earlier literature, yet the picaresque novel and its hapless hero remained popular for two centuries and picaro-like heroes have never completely disappeared from fiction. Some critics attribute the long popularity to the fact that the picaro is a character type which serves as a foil, or a balance, for conventional, ordered society. Curiously, we find that critics and interpreters of the picaresque novel use much the same language as did the reviewers of **In the Belly of the Beast.** In fact, in many cases, we could transpose descriptions of the picaresque novel to Abbott's life and his book, written centuries later, with little loss of accuracy.

For example, Frederick Monteser in **The Picaresque Element in Western Literature** says:

> THE HUMAN RACE SEEMINGLY ALWAYS INCLUDES THE CRIMINAL IN SOME FORM* AND THESE ASOCIAL INDIVIDUALS ARE INTERESTING AND EVEN EXCITING UNDER SUITABLE CONDITIONS. They help to balance the scales of society by providing a counterweight to ostentatious virtue, and it is perhaps for this reason that they are tolerated. Among them we find the picaro.29

These commentators imply that society possesses an inherent order, and that the picaros operate outside of it, albeit tolerated and even enjoyed. The picaro is the exception that proves the rule: the outsider whose existence reversely reflects the inside.

In a similar vein, some critics see the appeal of the picaresque novel in that it speaks to the rebelling but silent side of each of us, that the rogue hero's importance lies in that he allowed his ostensibly virtuous audience to revenge themselves vicariously upon society. In any case, seen in this way, the picaro still existed as an abnormality outside of **normal** society. Richard Bjornson in **The Picaresque Hero in European Fiction** expands this idea and claims that the picaro represents an inherent, disordered part of each human personality. The lack of order and meaning the picaro experiences is a kind of chaos that each reader has experienced. "The picaresque myth...is one possible paradigmfor the individual's unavoidable encounter with external reality and the act of cognition which precedes and shapes his attempts to cope with dehumanizing society."30

SDimilarly, in **Politics and the Novel,** Irving Howe perceives the picaresque novel as demonstrating "social health and energy"31 and the picaro as tolerated and even welcomed by society because of his willingness to test out new ways of being. Howe explains:

> [T]HE PICARESQUE NOVEL, THROUGH THE FIGURE OF THE ROGUE-HERO OBLIQUELY SUGGESTED THE NEW POSSIBILITIES FOR SOCIAL MOBILITY. IN ACTS OF SLY OUTRAGE THE ROGUE-HERO BROKE THROUGH THE CONVENTIONAL CLASS BARRIERS WHILE REFRAINING FROM EXPLICIT CHALLENGE TO THEIR MORAL PROPRIETY; HIS BRAVADO THUS CAME TO SEEM A MOCKING ANTICIPATION OF THE REGROUPMENT OF SOCIAL STRATA WHICH WOULD TAKE PLACE IN THE NINETEENTH CENTURY.... THE ATMOSPHERE IN WHICH THE ROGUE-HERO MOVED WAS EXPANSIVE AND TOLERANT; SOCIETY HAD ROOM FOR HIS ESCAPADES AND FELT LITTLE REASON TO FEAR HIS ASSAULTS UPON ITS DECORUM; IN A CURIOUS, "UNDERGROUND" WAY HE EXPRESSED THE NEW APPETITE FOR EXPERIMENT AS A WAY OF LIFE.32

The picaro's criminal activities are seen as merely one facet of his search for a new way of being that remains unknown and unarticulated; he is the noble experimenter who foresees a different and better society.

The picaro's episodic journey is often interpreted as the search of a disordered soul (the picaro) for order and meaning intrinsic in the external world from which he has been rejected. Stuart Miller, however, in **The Picaresque Novel** depicts the picaro's search for order as futile:

> THE SOCIAL-OUTCAST PICARO TRIES TO LEAVE HIS DISORDERED EARLY ENVIRONMENT AND ENTER "NORMAL" MIDDLE- OR UPPER-CLASS SOCIAL LIFE. THEN HE IS FRUSTRATED AND DERANGED BY FINDING "NORMAL"

27- **Id.** at 131.

28- R.W.B. LEWIS, THE PICARESQUE SAINT 26 (1959).

29- F. MONTESER, THE PICARESQUE ELEMENT IN WESTERN LITERATURE vii (1975

30- R. BJORNSON, THE PICARESQUE HERO IN EUROPEAN FICTION 11 (1977).

31- I. HOWE, POLITICS AND THE NOVEL 18 (1957).

32- **Id.** at 18.

> LIFE AS DISORDERED AS HIS EARLIER LIFE.... BY BECOMING A TRICKSTER, THE HERO MAKES THE ONLY CHOICH OTHER THAN SUICIDE THAT THE WORLD OFFERS HIM.33

The picaresque novel thus undercuts the notion that society has an inherent order if only the outsider picaro can become part of it. Instead, as life's chaos assaults the picaro in one unpredictable episode after another, the novel's plot unfolds and "expresses an intuition that the world is without order, is chaotic."34 The unfortunate hero moves from episode to episode in an unoirdered and illogical universe. Society's order is illusory, and the picaro's response typical and necessary rather than abnormal or extra-ordinary.

Alexander Blackburn in **The Myth of the Picaro** maintains that the common dinominator of the picaresque novel is the theme of disintegration. The picaro seeks order, finds none, and his disordered self disintegrates further, mirroring the society he uncovers. The picaro's life is "lived at the diminishing point where life and death, truth and falsehood, god and evil, have arrived as tragically convertible."35 Like Miller, Blackburn perceives the picaro's search as futile:

> HE IS AN ENTERNAL BUSCON, BOTH SEEKER AND SWINDLER. YET INCREASINGLY THOSE WHOM THE PICARO ENCOUNTERS ON THE ROAD TEND TO REFLECT HIS OWN LACK OF SIGNIFICANT REALITY, AND HIS JERKY EPISODIC JOURNEY IS THUS PRECISELY THE FORM THIS EXPERIENCE TAKES. THE MORE HE SEEKS, THE MORE DISINTEGRATED HE BECOMES.36

The stalwarts of society, the enactors of societal order--judges, jailers, police--are not merely stupid or indifferent; they are corrupt. Like natural order, man-made order, the law, is illusory.

The picaresque novels that follow this pattern offer no resolution for the picaro hero. The picaro may survive life's chaotic assaults, but he never transcends them. He hits back by breaking the law:

> HITTING BACK IS A MOST SINCERE BUT ALSO A MOST PRIMITIVE ACTION. IN SUCH A SCREAM AT REALITY THE PICARO'S VOICE EMERGES STRONG, BUT NOT CLEAR. IT FIGHTS CHAOS WITH CHAOTIC UTTERANCE, BUT WITH NOTHING MORE. IF THE PICARO SEEMS TO SOME EXTENT THE **ANARCHIST AS FRUSTRATED IDEALIST**, THEN HIS CRY OF PAIN DOES NOT ARGUE FOR A SELF MORE ORDERED THAN ANARCHY. Here we have a SIGNIFICANT PARADOX: THE VOICES OF THE PICAROS WHO TELL THESE TALES ARE STRONG, BUT THE PERSONALITIES BEHIND THEM ARE SO DISORDERED AS TO BE ALMOST NONEXISTENT.37 (EMPHASIS ADDED)

The critical spectrum thus ranges from describing the picaro as a harmless rogue seeking his place in the world to seeing the picaro as a far more profound representation of the readers' own partly disordered psyches futilely searching for order in a chaotic world. The likeness to the critical response to Abbott's writing is startling. "Anarchist as frustrated idealist" might well describe Abbott according to Mailer's introduction to **In the Belly of the Beast** or Des Pres' review of it. Certainly one could argue that Abbott's book shares striking similarities with the patterns common to picaresque novels Its episodic structure describes a random assortment of events held together only by Abbott's narrating voice. Abbott shows little understanding of why these things happen to him, and instead rages against conventional society. He attempts to convince the reader that becoming a criminal (particulary a murderer) was the only way open to him, given his low birth and subsequent rejection by society. The law is illusory, and judges, police, and especially jailers are corrupt and venal. In many ways, Abbott conforms to the pattern of the picaro hero that so captured the European imagination over two centuries ago. In a telling comment on the picaresque novel, Stuart Miller offers an explanation that may help us in understanding the strange appeal of Abbott and his book:

> [T]HE PICARESQUE NOVEL...IS A PROTEST AGAINST MEN AS THEY ARE AND AS THE WORLD CAUSES THEM TO BE. BEHIND THE NARRATOR OF EACH PICARESQUE NOVEL WE FEEL THE MORALISTIC IMPLIED AUTHOR SHRIEKING HATE AT THE WORLD AND MEN'S CHAOS, SHRIEKING IN RAGE AT WHAT THE WORLD HAS DONE TO HIM PERSONALLY. SUCH CRIES MAY BE IMMATURE, MAY BE UNRESOLVED ART, BUT...IN ITS RADICALLY OTHER DIRECTED PROGONIST [IT] HAS A COMPELLING TRUTH THAT CANNOT BE DENIED."38

33- S. MILLER, THE PICARESQUE NOVEL 53-6 (1967).

34- **Id.** at 10.

35- A. BLACKBURN, MYTH OF THE PICARO 16 (1979).

36- **Id.** at 20.

37- S. MILLER, THE PICARESQUE NOVEL 65 (1967).

38- **Id.** at 72.

We find ourselves in a similar paradox in our response to Abbott. To respond positively to him, we find ourselves in the picaresque never-never land where traditional values are ethereal--"where life and death, truth and falsehood, good and evil...[are] tragically convertible."39

AMERICAN OUTSIDERS: NATTY, HESTER, AND HUCK

Moll Flanders, one of the last picaresque novels published during its classic period (1550-1750), provides an important bridge from the European picaresque hero to its American versions. **Moll Flanders** is Moll's autobiographical account of her illicit adventures from her unfortunate birth in Newgate Prison to her old age as a thriving plantation owner in America.The epigraph on the book's title page summarizes Moll's life:

> THE FORTUNES AND MISFORTUNES OF THE FAMOUS MOLL FLANDERS--WHO WAS BORN IN NEWGATE, AND DURING A LIFE OF CONTINUED VARIETY FOR THREE-SCORE YEARS, BESIDES HER CHILDHOOD, WAS TWELVE YEAR A WHORE, FIVE TIMES A WIFE (WHEREOF ONCE TO HER OWN BROTHER) TWELVE YEAR A THIEF, EIGHT YEAR A TRANSPORTED FELON IN VIRGINIA, AT LAST GREW RICH, LIV'D HONEST AND DIED A PENITENT.40

Near the end of Defoe's novel, Moll secures a reprieve from execution at Newgate with an order of transportation to the New World. She is "put on board of a ship in the Thames, and with me a gang of thirteen as harden'd, vile creatures as ever Newgate produc'd."41 Thus Moll Flanders entered the New World, a "Transported Felon," to be converted to an "Honest" life with its subsequent rewards.

An irony pervades **Moll Flanders**. Moll, whom Ian Watt calls "a characteristic product of modern individualism in assuming she owes it to herself to achieve the highest economic and social rewards, and in using every available method to carry out her resolve,"42 never truly reforms despite the novel's epigraph. Defoe portrays her as a victim of circumstances, and thereby arouses the reader's sympathy and admiration for her, as she rises, through crime, to a prosperous, respectable life. Her "penitent prosperity...is based on her criminal career, and the sincerity of her reformation is never put to the acid test of sacrificing material for moral good. The plot...flatly contradicts Defoe's purported moral theme."43

The end of **Moll Flanders** portrays the mythic pattern of the redeeming power of the New World and provides the literary model for the belief in the New World as a place of shelter, a home for the outsider, the adventurer, the experimenter with life. **Moll,** the admirable criminal, prefigures the literary outsiders who capture the American imagination and permeate American novels for the nest two and a half centuries.

As the picaresque novel declined in popularity in Europe, writers in the New World began to experiment with their own forms and to discover their own heroes who would accurately portray the spirit of their unconventional country. America was, in fact, a sanctuary for the law-breaker and a seductive attraction for the nonconforming individualist; the picaresque rogue-hero found a uniquely American shape in the literature and legends of the New World. The European disreputable picaro became the "American Adam," as defined by R.W.B. Lewis:

> AN INDIVIDUAL EMANCIPATED FROM HISTORY, HAPPILY BEREFT OF ANCESTRY, UNTOUCHED AND UNDEFILED BY THE USUAL INHERITANCES OF FAMILY AND RACE; AN INDIVIDUAL STANDING ALONE, SELF-RELIANT AND SELF-PROPELLING, READY TO CONFRONT WHATEVER AWAITED HIM WITH THE AID OF HIS OWN UNIQUE AND INHERENT RESOURCES.... HIS MORAL POSITION WAS PRIOR TO EXPERIENCE, AND IN HIS VERY NEWNESS HE WAS FUNDAMENTALLY INNOCENT. THE WORLD AND HISTORY LAY ALL BEFORE HIM. AND HE WAS THE TYPE OF CREATOR, THE POET PAR EXCELLENCE, CREATING LANGUAGE ITSELF BY NAMING THE ELEMENTS OF THE SCENE ABOUT HIM. ALL THIS AND MORE WERE CONTAINED IN THE IMAGE OF THE AMERICAN AS ADAM.44

39- A. BLACKBURN **supra** note 35.

40- D. DEFOE, MOLL FLANDERS 1 (Riverside Edition 1957).

41- **Id.** at 256.

42- I. WATT, THE RISE OF THE NOVEL 94 (U. Cal. Press 1957).

43- **Id.** at 11

44- R.W.B. LEWIS, THE AMERICAN ADAM: INNOCENCE, TRAGEDY AND TRADITION IN THE NINETEETH CENTURY 5 (1955).

American writers absorbed the mythos and created their own versions of the romantic outsider: James Fenimore Cooper's Natty Bumppo, the "noble savage"; Hawthorne's Hester Prynne, bearer of the scarlet "A"; and Mark Twain's Huck Finn. Each of these characters finds conventional society hostile and breaks the law. Yet each captures the reader's sympathy and respect far more than the law-abiding members of society who judge and condemn them. Each in his or her individual way conditions the American imagination and sets the stage for the sympathetic response to Jack Henry Abbott.

NATTY BUMPPO

In 1823, James Fenimore Cooper wrote **The Pioneers**, his third novel, which introduced Natty Bumppo, the natural man living prior to and outside of the rapidly emerging American civilization. The figure of Natty so captured the American imagination that Cooper expanded **The Pioneers** into a series of five Leatherstocking novels (**The Pioneers, The Last of the Mohicans, The Prairie, The Pathfinder, and The Deerslayer**) which chronicle Natty Bumppo's life. Natty is an old man in **The Pioneers**, and this novel establishes Natty as one who lives by his own code of conduct, which Cooper shows to be superior to and in conflict with the new man-made laws in American settlements. The novel's setting, Templeton, is a frontier community in which law necessarily enables the people to live together and prosper in the sometimes hostile New World. Templeton's strength lies in its communal nature and in the willingness of individuals to be part of the whole.

> IN SHORT, THE WHOLE DISTRICT IS HOURLY EXHIBITING HOW MUCH CAN BE DONE, IN EVEN A RUGGED COUNTRY, AND WITH A SEVERE CLIMATE, UNDER THE DOMINION OF MILD LAWS, AND WHERE EVERY MAN FEELS A DIRECT INTEREST IN THE PROSPERITY OF A COMMONWEALTH, OF WHICH HE KNOWS HIMSELF TO FORM A PART.45

Natty Bumppo, however lived on the land long before the settlers came. He sees the settlers as an intrusion into his edenic world where natural law prevails. His ways and theirs clash and provide the central tension in the novel. Throughout **The Pioneers**, Cooper reflects the tension between the new law of the community and the old law of the individual. Judge Temple and the settlers in Templeton represent the new law; Natty Bumppo, his Indian companion, John Mohegan, and the mysterious "half-breed" Oliver Edwards represent the old.

The reader first sees Natty firing at a deer. Judge Marmaduke Temple, the founder of Templeton, who has also fired, good-naturedly suggests that he had fired the fatal shot. Since the fightful killer is entitled to the vension, Natty reacts surlily to Temple's jest: "[A]lthough I am a poor man, I can live without the vension, but I don't love to give up my lawful dues in a free country.--Though, for the matter of that, might often makes right here, as well as in the old country, for what I can see."46

Temple, the original owner of the land that is Templeton, has become concerned about the settler's abuse of the land and its resources and has established conservation laws limiting the killing of deer. Natty, who kills only to eat, finds such laws unnecessary and imcomprehensible: "There's them living who say, that Nathaniel Bumppo's right to shoot on these hills, is of older date than Marmaduke Temple's right to forbid him.... [W]ho ever heard of a law, that a man shouldn't kill deer where he pleased!"47 Natty lives by a higher law--that man kills only what he needs to stay alive. The settlers dismay him with their "wasty ways" when they blast pigeons, net fish, and axe trees far exceeding their need.

Althogh Marmaduke Temple remains a noble and intelligent (if sometimes misguided) man throughout **The Pioneers**, many of the other settlers appear foolish and imcompetent. Richard Jones, the most foolish and pompous character in the novel, is made Sheriff by Judge Temple. Cooper thus sets the stage for the novel's denouement--the confrontation between the Sheriff, the bumbling purveyor of the new law, and Natty, who lives the old.

Natty kills a deer out-of-season, and the law descends upon him with a search warrant. Natty, whose hut existed long before the houses of Templeton, forbids entry, threatening the would-be searchers with his gun. The reader's sympathies are naturally aroused when the law officers misuse their legal power because they want to search Natty's hut out of curiosity rather than to gather evidence. Even after Natty gives them the deer's hide for evidence of his "crime," they still demand entry. Consequently, Natty is brought to trial, found guilty of resisting the search, put in stocks, fined, and imprisoned. The natural man living by the laws of nature is brought down by the misused new law and justice is profaned.

Earlier in the novel, the settlers (and the readers) are prepared for this misapplication of the law by the sermon delivered by Mr. Grant, Templeton's minister. Grant castigates the "vain-glory of intellect"48 (which might react to injustice), claiming that our finite minds cannot fully understand.

45- J. F. COOPER, THE PIONEERS 15-6 (State Univ. of N.Y. Press 1980).

46- **Id.** at 21-2.

47- **Id.** at 25.

48- **Id.** at 129.

> IF WE ARE REQUIRED TO BELIEVE IN DOCTRINES, THAT SEEM NOT IN CONFORMITY WITH THE DEDUCTIONS OF HUMAN WISDOM, LET US NEVER FORGET THAT SUCH IS THE MANDATE OF WISDOM THAT IS INFINITE.... [W]HAT, TO OUR PRESENT SENSES, MAY SEEM IRRECONCILABLE TO OUR LIMITED NOTIONS OF MERCY, OF JUSTICE, AND OF LOVE, SHALL STAND, IRRADIATED BY THE LIGHT OF TRUTH.49

Despite Grant's unconvincing apologia for the unjust results of the new laws, and despite Temple's claim that "the laws alone remove us from the condition of the savages,"50 the reader sides with Natty and the old law of nature. Although Natty is forgiven his crime and release from prison, he leaves Templeton (and his home) forever. Natty cannot adjust to the new ways and laws, and seeks a new wilderness wher the laws of nature still reign. he bis his friends good-bye:

> "DON'T FEAR FOR THE LEATHER-STOCKING, CHILDREN; GOD WILL SEE THAT HIS DAYS BE PROVIDED FOR, AND HIS END HAPPY. I KNOW YOU MEAN ALL FOR THE BEST, BUT OUR WAYS DOESN'T AGREE. I LOVE THE WOODS, AND YE RELISH THE FACE OF MAN; I EAT WHEN HUNGRY AND DRINK WHEN A-DRY, AND YE KEEP STATED HOURS AND RULES; NAY, NAY, YOU EVEN OVER-FEED THE DOGS, LAD, FROM PURE KINDNESS; AND HOUNDS SHOULD BE GAUNTY TO RUN WELL. THE MEANEST OF GOD'S CREATERS BE MADE FOR SOME USE, AND I'M FORM'D FOR THE WILDERNESS; IF YE LOVE ME, LET ME GO WHERE MY SOUL CRAVES TO BE AG'IN!"51

Natty gives Temple's daughter Elizabeth a blessing as he departs, and his final words are not without bitterness:

> "I PRAY THAT THE LORD WILL KEEP YOU IN MIND--THE LORD THAT LIVES IN CLEARINGS AS WELL AS IN THE WILDERNESS--AND BLESS YOU AND ALL THAT BELONG TO YOU, FROM THIS TIME, TILL THE GREAT DAY WHEN THE WHITES SHALL MEET THE RED-SKINS IN JUDGEMENT, AND JUSTICE SHALL BE THE LAW, AND NOT POWER."52

Cooper thus resolves Natty's fate by sending him into another wilderness where he can live as he pleases, unhindered by the new laws and restrictions. The only alternative to submission or extinction is detachment from society.

In his **Studies in Classic American Literature,** D. H. Lawrence claims that the Leatherstocking novels "Form a sort of American Odyssey, with Natty Bumppo as Odysseus."53 Lawrence sees Natty as representing the "essential" American, the individual alienated and isolated from society--Lewi' American Adam or a Yankee picaro. Lawrence calls Natty's adventures "the myth of the essential white America. All the other stuff, the love, the democracy, the floundering into lust, is a sort of by-play. The essential American soul is hard, isolate, stoic, and a killer. It has never yet melted."54

And so the American imagination transformed the European picaro, the charming rogue-hero, into the noble outsider, but another interesting shift occured. In this new country, founded by revolutionaries, justice is on the side of the individual--his law is the proper one, and the law and order of society should, at least, accommodate him. A character such as Natty Bumppo represents a kind of benign anarchy, based in the laws of nature, which the individual is free to interpret. Society cannot or does not accommodate or assimilate the Natty Bumppos of the fictional world. He continues to live, of necessity, outside ordered society. Its laws and his are mutually exclusive.

A nineteenth century historian called Cooper "the most original, the most thoroughly national"55 of all American writhers. A modern critic, looking back on the literature which followed the Leatherstocking tales, saw Cooper as the forerunner of the American tradition:

49- **Id.** at 128.

50- **Id.** at 383.

51- **Id.** at 454.

52- **Id.** at 455.

53- D. H. LAWRENCE, STUDIES IN CLASSIC AMERICAN LITERATURE 71 (Thomas Seltzer 1923).

54- **Id.** at 92.

55- F. PARKMAN (1852), quoted in E. FUSSELL, FRONTIER: AMERICAN LITERATURE & THE AMERICAN WEST 30 (Princeton Univ. Press 1965).

56-E. FUSSELL, FRONTIER: AMERICAN LITERATURE & THE AMERICAN WEST 68 (1965).

> THUS HE [COOPER] DEFINED THE AGE AND BECAME...THE IMPROBABLE FOUNDER OF THE NATIONAL EXPRESSION. THE LEATHERSTOCKING TALES ARE NOT IN ANY ORDINARY SENSE GREAT ART; BUT THE REST OF AMERICAN WRITING THROUGH WHITMAN IS A SERIES OF FOOTNOTES ON THEM.56

Let us turn now to one of these "footnotes," National Hawthorne's **The Scarlet Letter**.

HESTER PRYNNE

In 1850 Nathaniel Hawthorne published **The Scarlet Letter**, which would become, like the Leatherstocking Tales, a classic in 19th century American literature. Hester Prynne, the heroine of **The Scarlet Letter**, provides another example of the wronged criminal, the noble outsider, which becomes such a powerful image for the American Imagination.

Hester's crime, adultery, has occured before the novel's opening, and the reader first sees her emerging from prison. Hawthorne immediately establishes a marked contrast between the law-abiding women of the town and Hester, the law-breaker. The former are described as unrefined, and "of coarser fibre":

> THE WOMEN, WHO WERE NOW STANDING ABOUT THE PRISON-DOOR, STOOD WITHIN LESS THAN HALF A CENTURY OF THE PERIOD WHEN THE MAN-LIKE ELIZABETH HAD BEEN THE NOT ALTOGETHER UNSUITABLE REPRESENTATIVE OF THE SEX. THEY WERE HER COUNTRYWOMEN; AND THE BEEF AND ALE OF THEIR NATIVE LAND, WITH A MORAL DIET NOT A WHIT MORE REFINED, ENTERED LARGELY INTO THEIR COMPOSITION.57

Hester, on the other hand, is described in nearly reverent terms as she leaves the prison holding her illegitimate child:

> THE YOUNG WOMAN WAS TALL, WITH A FIGURE OF PERFECT ELEGANCE, ON A LARGE SCALE. SHE HAD DARK AND ABUNDANT HAIR* SO GLOSSY THAT IT THREW OFF THE SUNSHINE WITH A GLEAM, AND A FACE WHICH, BESIDES BEING BEAUTIFUL FROM REGULARITY OF FEATURE AND RICHNESS OF COMPLEXION, HAD THE IMPRESSIVENESS BELONGING TO A MARKED BROW AND DEEP BLACK EYES. SHE WAS LADY-LIKE, TOO.... AND NEVER HAD HESTER PRYNNE APPEARED MORE LADY-LIKE...THAN AS SHE ISSUED FROM THE PRISON. THOSE WHO HAD BEFORE KNOWN HER, AND HAD EXPECTED TO BEHOLD HER DIMMED AND OBSCURED BY A DISASTROUS CLOUD, WERE ASTONSIHED, AND EVEN STARTLED, TO PERCEIVE HOW HER BEAUTY SHONE OUT, AND MADE A HALO OF THE MISFORTUNE AND IGNOMINY IN WHICH SHE WAS ENVELOPED.58

The townswomen show little sympathy for this madonna-like fallen woman, and judge her harshly: "What do we talk of marks and brands, whether on the bodice of her gown, or the flesh of her forehead?" cried another female, the ugliest as well as the most pitiless of these self-constituted judges. "This woman has brought shame upon us all, and ought to die. Is there no law for it? Truly there is, both in the Scripture and the stature-book."59 Hawthorne emphasizes Hester's nobility by contrasting her with these harsh, judgmental women, and by having her refuse to reveal the name of her child's father, her fellow sinner and criminal.

Hester's crime isolates her from her fellow New Englanders: "She clutched the child so fiercely to her breast, that it sent forth a cry; she turned her eyes downward at the scarlet letter, and even touched it with her finger, to assure herself that the infant and the shame were real. Yes!--these were her realities,--all else had vanished!"60 Hester's isolation persists throughout **The Scarlet Letter**, and even though Hester lives a saintly life, society cannot assimilate her--Hawthorne had drawn the lines too sharply. Hester, more sinned against than sinning, lives, like Natty Bumppo, on the fringes of society, in the wilderness. Her home is a small thatched cottage "[o]n the outskirts of the town, within the verge of the peninsula, but not in close vicinity to any other habitaion."61

Hester is spiritually as well as physially isolated from society.

> IN ALL HER INTERCOURSE WITH SOCIETY...THERE WAS NOTHING THAT MADE HER FEEL AS IF SHE BELONGED TO IT. EVERY GESTURE, EVERY WORD, AND EVEN THE SILENCE OF THOSE WITH WHOM SHE CAME IN CONTACT, IMPLIED, AND OFTEN EXPRESSED, THAT SHE WAS BANISHED, AND AS MUCH ALONE AS

57- N. HAWTHORNE, THE SCARLET LETTER 41 (Norton Critical Edition, 2nd 1978).

58- **Id.** at 43-4.

59- **Id.** at 42.

60- **Id.** at 47.

61- **Id.** at 62.

IF SHE INHABITED ANOTHER SPHER, OR COMMUNICATED WITH THE COMMON NATURE BY OTHER ORGANS AND SENSES THAN THE REST OF HUMAN KIND. SHE STOOD APART FROM MORTAL INTERESTS, YET CLOSE BESIDE THEM.[62]

As in **The Pioneers**, the reader's sentiments fall on Hester's side. Society, as exemplified by the unrefined village women, judges unfairly and too harshly. Like Natty, Hester cannot conform or reform. Society's ways conflict with hers, and although she wears the scarlet "A," the overt symbol of her shame, she secretly continues to cherish a vision of a new world. She harbored a "firm belief that, at some brighter period, when the world should have grown ripe for it, in Heaven's own times, a new truth would be revealed...."[63] Natty and Hester, then, are prophets forced into silence, and like Jack Henry Abbott (if we believe Mailer's introduction to **In the Belly of the Beast**) are "obsessed with a vision of more elevated human relations in a better world."[64]

HUCKLEBERRY FINN

Of the three nineteenth century novels discussed (**The Pioneer**, **The Scarlet Letter**, and **The Adventures of Huckleberry Finn**), the last most aptly fits the picaresque model. **Huckleberry Finn**, published in 1885, is told in the first person by Huck who, even before his escape from his father, lives by his wits and has an easy way with watermelons and chickens, as well as a noticeable talent for stretching the truth to suit his ends. Twain's masterpiece is composed of a series os self-contained episodes held together by the motif of a journey down the Mississippi and by Huck's narrating voice. Neither the reader nor Huck understands why Huck and Jim experience their various adventures and ordeals. Nonetheless, **Huckleberry Finn** coalesces thematically in its continuing tension between moral good and civil law.

Huckleberry Finn (like **The Pioneers** and **The Scarlet Letter**) celebrates the autonomy of the individual over mindless conformity to unjust laws. Early in the novel, Twain reveals the law as impotent when a judge refuses to take Huck away from his drunken and abusive father. Unfamiliar with Huck's situation, the judge blindly applies the rule "courts musn't interfere and separate families if they could help it."[65] Unlike Hester and Natty, however, Huck is not portrayed as a noble individual whose individualism and rcognition of a higher law compels him to break the law. Instead, Huck is a rather ordinary fellow who achieves transcendence **because** he breaks an unjust law.

In a compelling scene, Twain dramatizes Huck's struggle with the forces of evil--his urge to help the slave Jim escape:

WELL, I CAN'T TELL YOU IT MADE ME ALL OVER TREMBLY AND FEVERISH, TOO, TO HEAR HIM, BECAUSE I BEGUN TO GET IT THROUGH MY HEAD THAT HE WAS MOST FREE--AND WHO **WAS** TO BLAME FOR IT? WHY, **ME**. I COULDN'T GET THAT OUT OF MY CONSCIENCE, NO HOW OR NO WAY. IT GOT TO TROUBLING ME SO I COULDN'T REST; I COULDN'T STAY STILL IN ONE PLACE. IT HADN'T EVER COME HOME TO ME BEFORE, WHAT THIS THING WAS THAT I WAS DOING. BUT NOW IT DID; AND IT STAID WITH ME, AND SCORCHED ME MORE AND MORE. IT TRIED TO MAKE OUT TO MYSELF THAT I WARN'T TO BLAME, BECAUSE I DIDN' RUN JIM OFF FROM HIS RIGHTFUL OWNER; BUT IT WARN' NO USE, CONSCIENCE UP AND SAYS EVERY TIME, "BUT YOU KNOWED HE WAS RUNNING FOR HIS FREEDOM, AND YOU COULD A PADDLED ASHORE AND TOLD SOMEBODY."... I GOT TO FEELING SO MEAN AND MISERABLE THAT IS MOST WISHED I WAS DEAD.[66]

Jim's dreams about what he will do when free distress Huck still more. Jim says that he will save his money and buy back his wife and children and "if their master wouldn't sell them, they'd get an Ab'litionist to go and steal them."[67] Twain's ironic tone peaks as Huck responds to Jim's speculations:

IT MOST FROZE ME TO HEAR SUCH TALK.... HERE WAS THIS NIGGER WHICH I HAD AS GOOD AS HELPED TO RUN AWAY, COMING RIGHT OUT FLAT-FOOTED AND SAYING HE WOULD STEAL HIS CHILDREN--CHILDREN

62- **Id.** at 64.

63- **Id.** at 185.

64- Mailer, **supra** note 4.

65- MARK TWAIN, ADVENTURES OF HUCKLEBERRY FINN 19-20 (Riverside Edition 1958).

66- **Id.** at 75

67- **Id.** at 75.

> THAT BELONGED TO A MAN I DIDN'T EVEN KNOW; A MAN THAT HADN'T EVER DONE ME NO HARM.
>
> I WAS SORRY TO HEAR JIM SAY THAT, IT WAS SUCH A LOWERING OF HIM.68

Huck struggles further and nearly decides to turn back and do the "right thing." When men looking for fleeing slaves approach the raft, however, Huck protects Jim (who is hidden in the wigwam) by telling them his companion is his smal-pox stricken father. The men choose not ot investigate and Jim is saved.

Huck reaches an epiphany of sorts, but not what the reader expects. Instead of recognizing that he has done what is morally good even if illegal, Huck resigns himself to the fate of amorality:

> THEY WENT OFF, AND I GOT ABOARD THE RAFT, FEELING BAD AND LOW, BECAUSE I KNOWED VERY WELL I HAD DONE WRONG, AND I SEE IT WARN'T NO USE FOR ME TO TRY TO LEARN TO DO RIGHT; A BODY THAT DON' GET **STARTED** RIGHT WHEN HE'S LITTLE, AIN'T GOT NO SHOW--WHEN THE PINCH COMES THERE AIN'T NOTHING TO BACK HIM UP AND KEEP HIM TO HIS WORK, AND SO HE GETS BEAT. THEN I THOUGHT A MINUTE, AND SAYS TO MYSELF, HOLD ON,--S'POSE YOU'D A DONE RIGHT, AND GIVE JIM UP; WOULD YOU FEEL BETTER THAN WHAT YOU DO NOW? NO, SAYS I, I'D FEEL BAD--I'D FEEL JUST THE WAY I DO NOW? WELL, THEN, SAYS I, WHAT'S THE USE YOU LEARNING TO DO RIGHT, WHEN IT'S TROUBLESOME TO DO RIGHT AND AIN'T NO TROUBLE TO DO WRONG, AND THE WAGES IS THE SAME? I WAS STUCK. I COULDN'T ANSWER THAT. SO I RECKONED I WOULDN'T BOTHER NO MORE THAN IT, BUT AFTER THIS ALWAYS DO WHICHEVER COMES HANDIEST AT THE TIME.69

In this moment of Huck's ostensibly naive reflection, Twain manages to portray each person's existential dilemma. This moment projects in a "single packed dramatic image the conflicting principles which the discursive mind must contemplate separately and consecutively."70 If obeying the law "feels bad," and breaking the law makes little difference, by what code then does one live? At the same time he poses the question, he answers it, for the reader knows that Huck's instincts are right and the law wrong. One follows, then, one's natural law if it conflicts with society's law. Huck weakens once more and almost returns Jim to Miss WATSON* HIS "rightful owner," according to nineteeth century American law. Huck not only worries about breaking the law in allowing Jim to escape, he also believes he is sinning and thus subjecting himself to eternal damnation. Twain thereby casts Huck's dilemma in metaphysical terms. He actually writes a letter to Miss Watson telling her where to find her runaway slave. Upon completing it, Huck feels "good and all washed clean of sin for the first time."71 Once he starts to think about Jim's humanity and what he and Jim have been through together, he cannot obey the law and mail the letter: "All riht, then, I'll go to hell"--and [he] tore it up."72

As the novel turns out, Huck has not broken the law at all, since Jim was set free in Miss Watson's will. This critically-denounced **deus ex machina** only artificially resolves the novel's central tension, much as Natty Bumppo's return to the wilderness and Hester's isolation on the fringes of society resolve **The Pioneers** and **The Scarlet Letter.** These are artistic rather than realistic resolutions, and the reader, forced to confront Huck's question, cannot so easily answer it.

If it is true, as Richard Slotkin claims, that our heroes and their narratives are an index to our character and conception of our role in the universe,"73 what can we conclude about the characters and stories that dominated nineteenth century American fiction? Natty, Hester and Huck reveal or achieve their nobility through their refusal to adhere to laws that they see as unjust. The individual conscience takes pre-eminence over the law, and in fact serves to test the validity of the law. Rather than individual rights giving way for society's survival (Temple's position in **The Pioneers**) society should be, but is not, according to these literary works, flexible enough to accommodate varying individual visions. The rogue hero of the picaresque novel becomes hero without qualification. No longer merely tolerated, the outsider is glorified in American fiction, and achieves transcendence through his or her refusal to obey the law.

The criminal/outsider/rogue hero became a prevalent image that created an artistic conundrum for writers who followed Cooper, Hawthorne, and Twain. With the westward expansion, the wilderness ceased to exist, and the fringes of a town evolved into the only-too-civilized suburbs of a city. Nonetheless, civil law and individual rights remained (as in

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68- **Id.** at 75.

69- **Id.** at 78.

70- R.W.B. LEWIS, THE AMERICAN ADAM 3-4.

71- TWAIN, ADVENTURES OF HUCKLEBERRY FINN 179.

72- **Id.** at 180.

73- R. SLOTKIN, REGENERATION THROUGH VIOLENCE 564 (1973).

The Pioneers, The Scarlet Letter, and **Huckleberry Finn**) mutually exclusive. Those writers not willing to resort to a Twain-like contrived resolution to the criminal hero's inability to fit into society had nowhere to place the outsider. Thus modern writers were forced either to resort to a contrived resolution like Twain or to discover a new methodology for the picaro figure as it had developed in America.

In the midtwentieth century writers such as Truman Capote and Norman Mailer attempted a new method by combining fiction and nonfiction, to write history using the techniques of the novelist. Thus their stories were no longer about fictional criminals, but of actual criminals now being presented to the reader with many of the literary devices used in the nineteenth century to evoke a sympathetic response to figures like Natty, Hester and Huck. Sadly, the new American "heroes" became Perry Smith and Gary Gilmore.

IN COLD BLOOD AND PERRY SMITH

Natty Bumppo, Hester Prynne and Huck Finn are heroic by nature and criminal by chance; criminal only within the artistic confines of the novel. With the advent of the new journalism, 74 a reversal occured. The heroic criminals of **In Cold Blood** and **The Executioner's Song** were criminal by nature and heroic only within the confines of Capote's and Maier's books.

In 1959 Truman Capote embarked on writing what he calls his "nonfiction novel." He had been toying with the idea for some time before he chanced upon his subject:

> THEN ONE MORNING IN NOVEMBER 1959, WHILE FLICKERING THROUGH**THE NEW YORK TIMES**, I ENCOUNTERED, ON A DEEP-INSIDE PAGE, THIS HEADLINE: WEALTHY FARMER, 3 OF FAMILY SLAIN.75

Capote went to Garden City, Kansas, the remote Kansas town where the crime occurred, and after five years of interviews and traveling produced **In Cold Blood.** Capote does not appear in this work; instead he "remains an 'eye,' an omniscient shadow slipping unannounced from scene to scene, character to character, yet in the obvious meticulousness of the reporting, and the novelistic artistry of scene and characterization the writer makes his presence and his shaping consciousness known."76

The book's title has a double meaning. Perry Smith and Dick Hickock kill the Clutter family in cold blood, and the state likewise executes Hickock and Smith. Of all the principals, Capote's main focus falls on Perry Smith, who emerges as the book's "hero," if understood in the picaresque sense. "Whatever Capote's intention, the details of the murder are decidedly played down, sublimated into the broader emotional aim of the work to evoke the reader's feeling for Dick and Perry as well as for the Clutters, to view them all as victims."77 Because Capote chooses the form of a novel to tell the story of the Clutter murder, the reader's sympathies can be aroused for the murderer Perry Smith in a way that would not otherwise be possible. Capote's skill leads the reader to respond to Perry as if he wer a product of the writer's imagination. The metaphoric criminal outsider becomes a convenient vehicle to affect the reader's perception of an actual murderer. Like Abbott's life, Perry Smith's can be seen as fitting into the picaresque model. His first few years were spent "on the road" with his rodeo-performer parents. His Indian mother left his father and took Perry to San Francisco when he was quite young. Perry wrote:

> IN FRISCO I WAS CONTINUOUSLY IN TROUBLE. I HAD STARTED TO RUN AROUND WITH A GANG, ALL OF WHICH WERE OLDER THAN MYSELF. MY MOTHER WAS ALWAYS DRUNK, NEVER IN A FIT CONDITION TO PROPERLY PROVIDE AND CARE FOR US. I RUN AS FREE AND WILD AS COYOTE. THERE WAS NO RULE OR DISCIPLINE, OR ANYONE TO SHOW ME RIGHT FROM WRONG. I CAME AND WENT AS I PLEASED--UNTIL MY FIRST ENCOUNTER WITH TROUBLE. IS WAS IN AND OUT OF DETENTION HOMES MANY MANY TIMES FOR RUNNING AWAY FROM HOME AND STEALING. I REMEMBER ONE PLACE I WAS SENT TO. I HAD WEAK KIDNEYS AND WET THE BED EVERY NIGHT. THIS WAS VERY HUMILIATING TO ME, BUT I COULD'T CONTROL MYSELF. I WAS VERY SEVERLY BEATEN BY THE COTTAGE MISTRESS, WHO HAD CALLED ME NAMES AND MADE FUN OF ME IN FRONT OF ALL THE BOYS. SHE USED TO COME AROUND AT ALL HOURS OF THE NIGHT TO SEE IF I WET THE BED. SHE WOULD THROW BACK THE COVERS AND FURIOUSLY BEAT ME WITH A LARGE BLACK LEATHER BELT--PULL ME OUT OF BED BY MY HAIR AND DRAG ME TO THE BATHROOM AND THROW ME IN THE TUB AND TURN THE COLD WATER ON AND TELL ME TO WASH MYSELF AND THE

74- No one knows the origin of the somewhat inappropriate term "new journalism." Tom Wolfe (who ought to know) describes it as "some sort of artistic excitement in journalism." It is a catchall term for almost any kind of nonfiction writing that transcends mere reporting and becomes art. See R. WEBER, THE REPORTER AS ARTIST 13-26 (1974).

75- G. PLIMPTON, **dTruman Capote: An Interview,** in THE REPORTER AS ARTIST 191 (1974).

76- R. WEBER, THE REPORTER AS ARTIST 20 (1974).

77- R. WEBER, THE LITERATURE OF FACT: LITERARY NONFICTION IN AMERICAN WRITING 77 (1980).

> SHEETS. EVERY NIGHT WAS A NIGHTMARE. LATER ON SHE THOUGHT IT WAS VERY FUNNY TO PUT SOME KIND OF OINTMENT ON MY PENIS. THIS WAS ALMOST UNBEARABLE. IT BURNED SOMETHING TERRIBLE. SHE WAS LATER DISCHARGED FROM HER JOB. BUT THIS NEVER CHANGED MY MIND ABOUT HER AND WHAT I WISHED I COULD HAVE DONE TO HER AND ALL THE PEOPLE MADE FUN OF ME.[78]

Perry's "hatred and bitterness"[79] and "many violent outbursts of anger"[80] cause him to encounter his mythic "Trouble" again and again, and Capote would have us believe (and he may be right) that Perry's background made his murder of the Clutter's inevitable. When asked why he committed the unnecessary and profitless murder, Perry replies, "I don't know why. I was sore at Dick. The tough brass boy. But it wasn't Dick. Or the fear of being identified. I was willing to take that gamble. And it wasn't because of anything the Clutters did. They never hurt me. Like other people. Like People have all my life. Maybe it's just that the Clutters were the ones who had to pay for it."[81] In an interview tht appeared shortly after **In Cold Blood** was published, Capote reinforces this interpretation. He said: "I believe Perry did it for the reasons he himself states–that his life was a constant accumulation of disillusionments and reverses and he suddenly found himself (in the Clutter house that night) in a psychological cul-de-sac. The Clutters were such a perfect set of symbols for every frustration in his life."[82]

In the book itself, Capote shows how the reader should react to Perry Smith. Al Dewey, the chief investigator from the Kansas Bureau of Investigation, has relentlessly sought the Clutter murderers. Yet shortly after his first interrogations of Perry and Dick and the subsequent confessions, Dewey is drained of anger and instead of anger and instead feels pity:

> SORROW AND PROFOUND FATIGUE ARE AT THE HEART OF DEWEY'S SILENCE. IT HAD BEEN HIS AMBITION TO LEARN "EXACTLY WHAT HAPPENED IN THAT HOUSE THAT NIGHT." ...BUT THE CONFESSIONS, THOUGH THEY ANSWERED THE QUESTIONS OF HOW AND WHY, FAILED TO SATISFY HIS SENSE OF MEANINGFUL DESIGN. THE CRIME WAS A PSYCHOLOGICAL ACCIDENT, VIRTUALLY AN IMPERSONAL ACT; THE VICTIMS MIGHT AS WELL HAVE BEEN KILLED BY LIGHTNING. EXCEPT FOR ONE THING: THEY HAD EXPERIENCED PROLONGED TERROR, THEY HAD SUFFERED. AND DEWEY COULD NOT FORGET THEIR SUFFERINGS. NONETHELESS, OUT OF ANGER--WITH, RATHER, A MEASURE OF SYMPATHY– FOR PERRY SMITH'S LIFE HAD BEEN NO BED OF ROSES BUT PITIFUL, AN UGLY AND LONELY PROGRESS TOWARD ONE MIRAGE AND THEN ANOTHER.[83]

When Smith is eventually executed Dewey feels compassion:

> BUT SMITH, THOUGH HE WAS THE TRUE MURDERER, AROUSED ANOTHER RESPOSE, FOR PERRY POSSESSED A QUALITY, AN AURA OF AN EXILED ANIMAL, A CREATURE WALKING WOUNDED, THAT THE DETECTIVE COULD NOT DISREGARD. HE REMEMBERED HIS FIRST MEETING WITH PERRY IN THE INTERROGATION ROOM AT POLICE HEADQUARTERS IN LAS VEGAS–THE DWARFISH BOY-MAN SEATED IN THE METAL CHAIR, HIS SMALL BOOTED FEET NOT QUITE BRUSHING THE FLOOR. AND WHEN DEWEY NOW OPENED HIS EYES, THAT IS WHAT HE SAW: THE SAME CHILDISH FEET, TILTED, DANGLING.[84]

Through Capote's use of such reactions from people like Dewey, the reader comes to see Perry less as cold-blooded murderer and more as a hapless victim undone by life. The enormity of the Clutter murder fades into the background as the spotlight, and the reader's sympathies, focus on Perry Smith. Perhaps this murder is, as Stuart Miller suggests about the picaro, the only choice other than suicide the world offers him.[85] In an odd and perverse way, through the murders and his own resultant execution by hanging, Perry achieves the only transcendence possible to him. When Perry

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78- T. CAPOTE, IN COLD BLOOD 309-10 (signet Edition 1965).

79- **Id.** at 310

80- **Id.** at 310

81- **Id.** at 326.

82- G. PLIMPTON, **Truman Capote: An Interview,** in THE REPORTER AS ARTIST 195 (1974).

83- T. CAPOTE, IN COLD BLOOD 277 (Signet Edition 1965).

84- **Id.** at 381-2.

85- S. MILLER **supra** note 33. Ironically, Perry Smith had a brother and sister, raised as he was, who both committed suicide.

discovers that Capote wants to write a book about him "which could result in a work of art,"[86] he replies, "What an irony....That's all I ever wanted to do in my whole life. And now, what has happened? An incredible situation where I kill four people, and **you're** [Capote] going to produce a work of art."[87] By making Perry Smith the center of **In Cold Blood,** Capote endows a journalistic subject with mythic significance. In a similar fashion Norman Mailer enhances Gary Gilmore in **the Executioner's Song.** Gilmore's sordid stort, rendered into art by Mailer, is described in mythic terms as "a tale of violence and fear, jealousy and loss, of a love that was defiant even in death" and as "the working of myth in life and death."[88] In **The Executioner's Song** the book which generated the Norman Mailer--Jack Henry Abbott correspondence and relationship, Mailer takes Capote's "Nonfiction novel" technique a further step and creates a "True Life Novel"[89] about a real criminal and a real crime. The Library of Congress classifies **The Executioner's Song** as fiction.[90]

THE EXECUTIONER'S SONG AND GARY GILMORE

Even before **The Executioner's Song,** Norman Mailer had experimented with writing fact as fiction. He subtitled **Armies of the Night** (1968), his account of the 1967 march on the Pentagon, "History as a Novel/The Novel as History." In 1970 he published his personal version of the first moon landing in **Of a Fire on the Moon.** In 1979 he published **The Executioner's Song,** a technical tour de force that won him the Pulitzer Prize.

The Executioneer's Song is Mailer's version of the Gary Gilmore story. Unlike Perry Smith, Gilmore had attracted national attention before the publication of the novel by refusing to appeal his death sentence for murdering two people in Utah. Mailer's thousand-page book, however, far exceeds a mere reporting of events.

The Executioner's Song is self-consciously fiction, extending "Mailer's emphasis on the necessity of fiction for the apprehension of complex reality,"[91] as revealed by his continuing to write using this experimental methodology. Although Mailer does not appear as a character in this book, as he did in **Armies of the Night** and **Of a Fire on the Moon,** his shaping consciousness is ubiquitous. The book epigraph and epitaph exemplify the way in which Mailer calls attention to his artistry.

The novel begins with an "old prison rhyme": "Deep in my dungeon/i welcome you here/Deep in my dungeon/I worship your fear/Deep in my dungeon/I dwell./I do not know/if i wish you well."[92] The same "old prison rhyme" appears just before the novel's dramatic "FINIS."[93] In the Afterword, however, Mailer writes: "Finally, one would confess one's creations. The **old prison rhyme** at the beginning and the end of the book is not, alas, an ancient ditty but a new one, and was written by this author ten years ago for his movie **Maidstone.**"[94] Mailer thus calls the reader's attention to his shaping hand that is everywhere making fact of fiction and fiction of fact. It is as if he is saying "don't believe all I write is true, even if I say it is." In a similar way, Mailer molds the raw stuff of Gary Gilmore into mythic dimensions.

Gilmore emerges as a kind of martyr providing a vision of a better world. One interviewer/character in **The Executioner's Song** says to Gilmore:

> MAYBE THERE'S SOMETHING SO PHENOMENAL, SO DEEP, IN THE DEPTHS OF YOUR STORY, THAT MAYBE YOU'RE NOT MEANT TO DIE RIGHT NOW. MAYBE THERE ARE THINGS LEFT TO DO. WE MAY NOT KNOW WHAT THEY ARE.... MAYBE YOU'RE LAYING A FOUNDATION FOR THE WAY SOCIETY AND OUR CIVILIZATION SHOULD PROCEED IN THE FUTURE.[95]

86- G. PLIMPTON, **Truman Capote: An Interview** in THE REPORTER AS ARTIST 196.

87- **Id.** at 196-7.

88- Inside cover blurbs in N. MAILER, THE EXECUTIONER'S SONG (Warner Books (1979).

89- This is the novel's subtitle.

90- J. HELLMAN, FABLES OF FACT: THE NEW JOURNALISM AS NEW FICTION 57 (1981).

91- **Id.** at 56-7.

92- N. MAILER, THE EXECUTION'S SONG 11 (1979).

93- **Id.** at 1019.

94- **Id.** at 1021.

95- **Id.** at 907

Mailer furthermore portrays Gilmore as intelligent and articulate; as protean--Gilmore has a "different face in every photograph";[96] and as victimized--Gilmore feels "more like the victim than the man who did the deed."[97] Gilmore and his lover Nicole Baker become the Romeo and Juliet of death row, complete with a mutual (failed) suicide pact. Gilmore, as Mailer depicts him, desires to and does die with dignity, and through this execution achieves heroic stature. In Mailer's molding hand, Gilmore the murderer--who "always knew the law was silly as hell"[98]--succumbs to Gilmore the martyred victim. "[B]oth the character Gilmore and the text itself survive their termination and subsequent autopsy, living on in our consciousness as a result of the strength of the fiction creation that is the text."[99] Perhaps the ultimate irony is that Mailer's working title for **The Executioner's Song** was "American Virtue."[100]

Capote and Mailer confronted the dilemma of what to do with the criminal/outsider without a wilderness to place him in. Prison, the universal image of confinement, cannot substitute for the wilderness; death by execution can. Smith's and Gilmore's deaths take on a symbolic quality; as do their lives. Fictionalized and romanticized by their biographers, the "real" Perry Smith and Gary Gilmore disappear in the metphoric aura of myth. Using the techniques of fiction, Capote and Mailer have maniputed the readers into teh type of sympathetic response preserved for the fictional heroes of our literary heritage. The difficulty with this, however, is that Smith and Gilmore were actual human beings.

CONCLUSION

I began by posing the troubling question as to whether our literary heritage has predisposed us, as a society, to respond to Jack Henry Abbott naively and excessively. Our literary tradition has essentially redefined "criminal" variously as "merry rogue," daring outsider, experimenter with life (the picaros); as "noble savage," visionary of a better world, humane breaker of unjust laws (Natty, Hester, Huck); as misguided, mistreated child, frustrated. imprisoned artist, foundation-layer of a new and better society (Smith and Gilmore). But in our recent literature, fact and fiction have become so blurred that the most discerning reader begins to see the two as one.

It was thus easily possible to respond to Jack Abbott as if he were a character in novel because Capote, Mailer, and others have(innocently and inadvertantly) taught to us do so. We made a myth of Abbott because he seemed to belong to a character-type familiar to us. We believed he could find reconciliation in some way because the literary criminal-outsiders (the only ones we really knew) had seemed to find some sort of resolution. In Abbott's case we expected his life to imitate art; we expected him to be a character in a mental novel each of us wrote.

The tension between moral good and sometimes unjust laws is real and not easily (if possibly) put to rest. But the criminal-outsider is not heroic, except in books. Read without the rose-colored glasses of our literary tradition (from the picaro to Gary Gilmore) we could have more clearly recognized the possibility of a disordered personality behind the "chaotic utterance"[101] that comprises **In the Belly of the Beast.** We need to stand warily at the edge of the chasm that separates reality from fiction and recognize its perhaps unfathomable depths.

96- **Id.** at 20.

97- **Id.** at 19.

98- **Id.** at 773.

99- J. HELLMAN, FABLES OF FACT: THE NEW JOURNALISM AS NEW FICTION 56-7 (1981).

100- **Id.** at 59. Mailer changed the title because he feared it would be interpreted "sardonically."

101- See S. Miller, **supra** note 37.

FORGOTTON PEOPLE: ELDERLY INMATES

An Examination of Inmate profile, Needs and Program Recommendations

Gennaro F. Vito, Ph.D.
and
Deborah G. Wilson, Ph.D.

School of Justice Administration
College of Urban and Public Affairs
University of Louisville

In general, when people consider the words "crime" and elderly" in combination, they feel that the word "victim" would logically follow. This thought process, however, overlooks the fact that, while elderly victimization constitutes a serious problem, the elderly can and do function as a criminal group. As the Newmans have written (1982:1), America is clearly 'greying' and, as the population moves toward a society of middle-aged and elderly persons, a new breed of criminals is drawing attention: the elderly offender.

Prior research and crime patterns among the elderly suggest that crime is more than a "young person's game" and that this is increasingly true. For example, in their examination of arrest patterns contained in the Uniform Crime Reports from 1964 to 1974, Shichor and Kobrin (1978) found that arrests of elderly persons (55 and over) for Index Crimes increased by 224 percent-- a rate substantially higher than the overall increase of 43 percent for the general population. Similarly, an examination of the change in Index Crime arrest rates per 100,000 for the elderly from 1970 to 1980 reflects substantial increases. These increases become even more meaningful when compared to changes in arrest rates for other age groups over the same ten year period.

Table 1

RATES OF ARREST PER 100,000 FOR INDEX CRIMES 1970, 1980 AND CHANGE IN RATE OF ARREST PER 100,000 1970-1980 BY AGE GROUP *

AGE CATEGORY	ARREST PER 100,000 1970	ARREST PER 100,000 1980	PERCENT CHANGE IN ARREST PER 100,000
18 and under	920.92	1381.61	+50.0
19-24	1457.76	2250.18	+54.4
25-29	777.53	1300.69	+67.3
30-34	538.17	854.82	+58.8
35-39	393.15	608.44	+54.8
40-44	283.27	459.53	+62.2
45-49	198.95	341.10	+71.5
50-54	142.93	250.50	+75.3
55-59	102.01	180.01	+76.5
60-64	71.38	129.49	+81.4
65+	34.17	64.50	+88.8

*Arrests for arson were subtracted from total arrests for each age category in 1980 to guarantee comparability.

Table 1 suggests that arrests of elderly increased more than that of any other age group. The increase in rate of arrests for those 65 and older was the highest, followed by the increase in arrests for the 60 to 64, 55 to 59, and 50 to 54 years of age groups respectively.

Whether the increase in rate of arrests reflects a true increase in criminal activity or not, this trend will have an impact on the prison population. In 1974, elderly inmates (fifty years and older) constituted 5.5 percent of the total national state prison population (U.S. Department of Justice, 1979: 46-47).

As the numbers of elderly arrested for Index Crimes increases, the numbers -- if not the proportion--of elderly inmates in state correctional facilties will also increase. Elderly inmates, then, will come to be an increasingly prominent institutional constituency and a group which has the potential for special needs which must be addressed. However, before measures can be taken, more information on the characteristics, background, and needs of elderly inmates is required.

PRIOR RESEARCH ON ELDERLY INMATES

A review of the literature on elderly inmates reveals only a few studies of rather limited svope. However, these studies, taken together, provide the beginnings of a basis of valuable information.

OFFENDER PROFILE

Most elderly inmates are male (85 to 98.3%), half are white, less than a third (30 percent) are married and at best, a little over one fourth (28.6 percent) have a high school education (Goetting, 1983). Most have a prior arrest record (McDonald and Grossman, 1982) and prior convictions (Panton, 1977) and, most (64.3 percent) were sentenced at fifty years of age or older (U.S. Department of Justice, 1979:48). Older prisoners have a greater likelihood of having been convicted of a violent crime (61 percent) (U.S. Department of Justice, 1979:46-47), especially if they are serving their first sentence (Teller and Howell, 1981; Krajick, 1979; McDonald and Grossman, 1981; Goetting, 1983).

IMPACT OF INSTITUTIONALIZATION

Prior research on the elderly reflects little consensus on the impact of institutionalization on the elderly. Essentially, the findings can be grouped into two categories: those which find that institutionalization has a positive or no effect on the elderly inmate and those which find that institutionalization has a deleterious effect on older prisoners. The contradictory findings are not surprising given the small sample sizes and differing methodological approaches used in these studies.

Wolfgang (1964a, b), Mabli, et. al. (1979), and Flanagan (1983) agree that older inmates are better adjusted, and are less of a problem for administration (at measured by rates of misconduct) than younger inmates. In fact, both Mabli, et. al. and Wolfgang suggest age mixing as a possible tool of control within an institution. Similarly, Teller and Howell (1981) found older prisoners to be better adjusted than younger offenders: less socially deviant, impulsive, and hostile. This was especially true of older prisoners who were first incarcerated at a young age. In fact, Wiegand and Burger (1979) suggest that prison officials often do not encourage elderly inmates to leave because of the "quietening effect" they have on an institution.

In a study of the involvement of older inmates in the activities of various social institutions, Reed and Glamser (1979) found little difference between elderly inmates and elderly civilians. Elderly inmates like their "freeworld" counterparts found religion to be more important as they aged, engaged in more prayer and bible reading as they grew older, and were more interested in politics and paid more attention to the media than did younger individuals. Additionally, the elderly inmates, though not likely to have friendships based on trust, did participate in organizations in the institution. Most (15 out of 19) reported that they felt younger than their counterparts on the outside. Reed and Glamser feld that this was due to the fact that "much of what is viewed as part of the normal aging does not take place in the prison-setting" ... the elderly inmates were" ... not exposed to heavy industry, hard labor, or heavy drinking. They eat well, rest often, and have ready access to medical care." Many of the problems faced by the elderly such as: access to transportation, proximity to others, a need to decrease activities as the environment becomes more of a challenge, the identity crisis due to retirement, loss of status, and social devaluation as well as social cues to remind them of their chronological age, are absent in the institutional setting. As a result, the sociopsychological effects of aging may not be felt.

While these studies describe elderly inmates as well adjusted inmates who live quietly and "do their time with little notoriety," other studies paint quite a different picture. Panton (1977) in an analysis of the MMPI scores of elderly inmates in North Carolina found less psychopathy but more anxiety, despondency, insecurity, and inadequacy among older inmates relative to a baseline of randomly selected inmates. He also reported that older prisoners are more demanding, self-centered, and naive though less hostile toward authority than younger inmates.

Other researchers have reported similar findings which suggest that in prison the older inmate is dependent, frightened, and depressed (Gillespie and Galliher, 1972; Bergman and Amir, 1973; Rodstein, 1975; Krajick, 1979). Additionally, older inmates are often mocked and given little status recognition by other inmates (Bergman and Amir, 1973).

Krajick (1979) and Weigand and Burger (1979) report that victimization and fear of victimization by younger, stronger inmates is a serious problem for elderly inmates. Additionally, due to their Social Security status, elderly inmates possess resources which their younger cellmates do not - a fact which is well recognized by the predatory element on the inside. Thus, while they do not typically represent a security risk, the protection of elderly inmates can present a vexing problem for administrators.

Even the physical conditions and structure of the institutions create problems for the elderly inmates. Prisons were not designed with the elderly in mind. Steel and cement make a structure cold and damp, and the stairs present in most facilities may be a problem. Typically, most elderly inmates find living in close quarters with younger offenders a strain (Krajick, 1979: 38):

> Younger guys, they be ripping up and down the hall, racing. You better stand aside or get out of the way, or you be sure to get run over . . . . I admit to God I done wrong, but tell me, does a 67 year old man need to be cooped up in a place like this?

Most prison programs were designed for younger offenders and often exclude the elderly. As Wiegand and Burger (1979: 49-50) have indicated, there are two forms of bias at work. First, there is the idea that "you can't teach an old dog new tricks." Elderly offenders are viewed as past their prime and as unpromising candidates for long term improvement. Secondly, the "squeeky wheel" syndrome is also in operation. Most elderly inmates do their time with little notoriety, do not call attention to themselves, and as a result, they can have a calming effect on the institution. In fact, one expert cited by Krajick (1979: 35) believes that elderly offenders are "very select and prized inmates" who constitute "good insurance against future Atticas." For this reason there is a tendency for administrators to either ignore them or set up "nursing home prison" facilities which tend to segregate and isolate the elderly inmates. Thirdly, there is a motivational problem also fuctioning as an obstacle to the formation of meaningful programs. Elderly inmates may not be physically able to take part in work or exercise programs. They often lack the spirit to take up other pursuits even when they could obviously benefit from them. For example, Table 2 reveals that the majority of elderly inmates did not graduate from high school - a pattern which is even more pronounced for black inmates aged 45 and over. Yet, Krajick (1979: 41) found that many elderly inmates are embarrassed to admit their lack of education, especially if they are unable to read or write.

(Table 2 About Here)

These frustrations are coupled with the physical, intellectual, and emotional deterioration brought on by long confinement (Adams and Vedder, 1961), and create bitterness and resentment among older inmates who blame the institution and its conditions for their physical and mental deterioration. These factors increase anomie among older inmates and they become pessimistic about their present and future status as time passes (Gillespie and Galliher, 1972).

The disparate findings concerning the effect of institutionalization on elderly inmates and the special needs of these inmates are not surprising. Elderly inmates are not a homogeneous group. Some are first incarcerated elderly who are experiencing their first institutionalization as an older individual. Some are multiple or serial incarcerated/recidivists who are being re-incarcerated as an elderly inmate. The last group are the first-time incarcerated, who because of a lengthy sentence given in their youth, have aged in institutions (Teller and Howell, 1981; Goetting, 1983). Each category differs in the type of crimes for which they are usually incarcerated (Schroeder, 1936; Bergman and Amir, 1973; Teller and Howell, 1981; Newman and Newman, 1982; Goetting, 1983), their similarity to younger inmates (Teller and Howell, 1981) and the form of their adjustment to the institution (Rodstein, 1975; Aday and Webster, 1979). For example, elderly offenders appear to commit more violent crimes (Shichor and Kobrin, 1978; Newman and Newman, 1982) or at least are incarcerated more often for violent crimes (Teller and Howell, 1981). This is especially true if the elderly inmate is a first-time incarcerated older offender. Multiply incarcerated elderly inmates tend to be more involved in property crime, more likely to have a criminal identity, and more like younger inmates then the first-time incarcerated elderly offenders tend to be better adjusted to the institution (Teller and Howell, 1981) while those who age in prison are more likely to be overly dependent on the institution (Aday and Webster, 1977) and to assume one of the two divergent roles of either informant or inmate father figure (Rodstein, 1975).

While some studies have addressed these issues, the sample sizes have been small, the samples uncomparable, control groups either non-existent or inappropriate, and little attention has been paid to institutional variation and its impact on

TABLE 2

STATE SENTENCED INMATES, AGE 45 AND OVER, BY RACE AND HIGHEST GRADE COMPLETED PRIOR TO IMPRISONMENT (1974)

Highest Grade Completed	N of White Inmates	% of Total	N of Black Inmates	% of Total
None or Kindergarten	103	0.9	252	5.3
Elementary				
1-4	772	7.0	1076	22.7
5-7	1640	14.8	1350	28.5
8	1190	10.8	499	10.5
High School				
1-3	3527	31.9	1033	21.8
4	2561	23.2	383	8.1
College				
1-3	1061	9.6	126	2.7
4	152	1.4	22	0.4
5 or more	40	0.4	0	0.0
TOTAL	11046	100.0	4741	100.0

Source:

Profile of State Prison Inmates, pp. 62-63.

these groups and their adjustment to institutionalization. Goetting (1983) in a mail survey of the state and federal prison system found few special truly geriatric units and much variation in policies for elderly inmates.

POLICY AND PROGRAM IMPLICATIONS

As the elderly age group continues to grow in size and proportion of our population, the total arrests of the elderly will continue to increase. Simultaneously, as the elderly population continues to grow in size, many of the stereotypic assumptions about this group will change. Opportunities for the elderly to commit crimes may increase and the hesitance of the police and courts to prosecute may decrease and consequently more elderly will be arrested. Additionally, as the general age distribution of individuals arrested each year changes, so will the structure of the age distribution within institutions. For example, in Table 3, most of the increases in total arrests for Index Crimes from 1978 to 1982 occurred among individuals 30 to 39 years of age. Offenders in this category are not going to be diverted from or never in contact with the adult system because of juvenile status nor are they likely to be diverted or receive a shorter sentence because of a youthful offender status. Likewise, these offenders have had more time than their younger counterparts to accumulate prior records which would reduce the likelihood of a reduced sentence and increase the probability that they could be charged under persistent felong offender or habitual offender status. The probability that they will spend a lengthy time in an institution is increased.

TABLE 3

PERCENT CHANGE IN TOTAL ARRESTS FOR
INDEX CRIMES BY AGE GROUP, 1978-1982

AGE CATEGORY	% CHANGE IN TOTAL ARRESTS
18 and under	-12.0
19-24	-08.0
25-29	+20.0
30-34	+41.0
35-39	+32.0
40-44	+20.0
45-49	+07.0
50-54	+05.0
55-59	+16.0
60-64	+24.0
65+	+20.0

The increased probability of lengthier sentences and increased use of habitual offender statutes with life without parole, mandatory sentencing, persistent felony offender statutes and restricted use of automatic good-time credits means that these offenders - who constitute the bulk of the recently incarcerated have a greater likelihood of aging in the institution. As the character of the elderly inmate group changes, so will its needs.

The data on changes in the elderly arrest rates does exhibit relatively large increases for especially those individuals 55 years of age and older. However, a closer examination of the tupe of crimes in which these changes are occurring for various age groups provides additional insight into the nature of future elderly inmates and their needs.

For the 50-54 age group, arrests for property crimes increased by 11 percent between 1978 and 1982 (See Table 4). During this period, the greatest increase was for larceny-theft (15 percent) while arrests for violent personal crime decreased by 11 percent.

(Table 4 About Here)

Arrests for property crimes between 1978 and 82 also dramatically increased for the 55-59 age group by a rate of 23 percent (See Table 5). Again, the greatest increase among property crime arrests was for larceny-theft (25 percent). Although personal crime arrests for this age group registered an overall decline of 3 percent, arrests for robbery during this period actually increased by 20 percent.

(Table 5 About Here)

The age group 60-64 is the first group to generate an increase in arrests for both personal and property crimes between 1978 and 1982 (See Table 6). Arrests for personal crimes increased by 3 percent with the highest increase recorded for robbery (57 percent). Arrests for property crimes increased by 31 percent with burglary leading the way (51 percent increase).

(Table 6 About Here)

Finally, the age group 65 and over yielded an arrest rate pattern for index crimes which was similar to that revealed among the 50-54 and 55-59 age group (See Table 7). Overall, the greatest increase in arrests was registered in the area of property crimes (26 percent) with larceny-theft again the leader (27 percent increase).

(Table 7 About Here)

The following conclusions can be made concerning these arrest statistics. Overall, the number of arrests for personal crimes for all age groups declined between 1978 and 1982. The only exception was for the 60-64 age group (3 percent increase in personal crimes) which registered a 57 percent increase for robbery arrests. The arrest pattern for property crimes was one of substantial increase, primarily for the crime of larceny-theft. Here again, the sole exception was the 60-64 age group which revealed a 51 percent increase for burglary. On this basis, it seems that the 60-64 age group is involved in the type of serious crime, robbery and burglary, which could result in incarceration. The involvement of each age group in property crime, particularly larceny-theft, could be a function of the economic pressures faced by a person on a fixed income as well as the fact that crimes such as shoplifting are opportunistic and require no specific, specialized skill (Newman and Newman, 1982: 6). The decrease in violent crimes and increase in property crimes suggests an increased number of the nature of elderly crime and therefore a change in older prisoners. Specifically, as the elderly commit more major property felong offenses - unless they

TABLE 4

UNIFORM CRIME REPORTS, TOTAL ARRESTS FOR INDEX CRIMES, 1978-82

AGE GROUP 50-54

Index Crimes	1978	1979	% Change	1980	% Change	1981	% Change	1982	% Change	% Change 1978-82
Murder	602	578	-04.0	467	-19.0	518	+11.0	479	-08.0	-20.0
Forcible Rape	398	405	+02.0	391	-03.0	426	+09.0	403	-05.0	+01.0
Robbery	648	563	-13.0	622	+11.0	678	+08.0	623	-08.0	-04.0
Aggravated Assault	7090	6501	-08.0	6470	-01.0	6621	+02.0	6277	-05.0	-12.0
Burglary	2057	1955	-05.0	1933	-01.0	2106	+08.0	2056	-02.0	0.0
Larceny-Theft	17747	18302	+03.0	18815	+03.0	20710	+11.0	20370	-02.0	+15.0
Motor Vehicle Theft	808	699	-13.0	636	-09.0	708	+11.0	705	-00.4	-12.0
TOTALS	29348	29003	-01.0	29334	+01.0	31767	+08.0	30913	-03.0	+05.0
Personal Crime	8736	8047	-08.0	7950	-01.0	8243	+04.0	7782	-06.0	-11.0
Property Crime	20612	20956	+02.0	21384	+02.0	23524	+10.0	23131	-02.0	+11.0

TABLE 5

UNIFORM CRIME REPORTS, TOTAL ARRESTS FOR INDEX CRIMES, 1978-82

AGE GROUP 55-59

Index Crimes	1978	1979	% Change	1980	% Change	1981	% Change	1982	% Change	% Change 1978-82
Murder	360	379	+05.0	349	-08.0	404	+16.0	374	-07.0	+04.0
Forcible Rape	224	214	-04.0	238	-11.0	262	+10.0	223	-15.0	-00.4
Robbery	304	359	+18.0	333	-07.0	369	+11.0	365	-01.0	+20.0
Aggravated Assault	4255	4231	-01.0	4110	-03.0	4284	+04.0	4002	-07.0	-06.0
Burglary	1054	1124	+07.0	1187	+06.0	1328	+02.0	1160	-13.0	+10.0
Larceny-Theft	12637	13179	+04.0	14314	+09.0	16242	+13.0	15808	-03.0	+25.0
Motor Vehicle Theft	415	407	-02.0	377	-07.0	388	+03.0	427	+10.0	+03.0
TOTALS	19249	19893	+03.0	20908	+05.0	23277	+11.0	22359	-04.0	+16.0
Personal Crime	5143	5183	+01.0	5030	-03.0	5319	+06.0	4964	-07.0	-03.0
Property Crime	14106	14710	+04.0	15878	+08.0	17958	+13.0	17395	-03.0	+23.0

TABLE 6

UNIFORM CRIME REPORTS, TOTAL ARRESTS FOR INDEX CRIMES, 1978-82

AGE GROUP 60-64

Index Crimes	1978	1979	% Change	1980	% Change	1981	% Change	1982	% Change	% Change 1978-82
Murder	224	225	+00.4	201	-11.0	230	+14.0	193	-16.0	-14.0
Forcible Rape	104	125	+20.0	108	-14.0	134	+24.0	126	-06.0	+21.0
Robbery	107	137	+28.0	170	+24.0	177	+04.0	168	-05.0	+57.0
Aggravated Assault	2470	2307	-07.0	2317	+00.4	2542	+10.0	2494	-02.0	+00.1
Burglary	433	509	+18.0	551	+08.0	728	+32.0	655	-10.0	+51.0
Larceny-Theft	8357	8915	+07.0	9574	+07.0	11172	+17.0	10909	-02.0	+31.0
Motor Vehicle Theft	160	176	+10.0	138	-22.0	180	+30.0	186	+03.0	+16.0
TOTALS	11855	12394	+05.0	13059	+05.0	15163	+16.0	14731	-03.0	+24.0
Personal Crime	2905	2794	-04.0	2796	+00.7	3083	+10.0	2981	-03.0	+03.0
Property Crime	8950	9600	+07.0	10263	+07.0	12080	+18.0	11750	-03.0	+31.0

TABLE 7

UNIFORM CRIME REPORTS, TOTAL ARRESTS FOR INDEX CRIMES, 1978-82

AGE GROUP 65 and over

Index Crimes	1978	1979	% Change	1980	% Change	1981	% Change	1982	% Change	% Change 1978-82
Murder	285	304	+07.0	248	-18.0	310	+25.0	249	-20.0	-13.0
Forcible Rape	126	130	+03.0	107	-18.0	143	+34.0	111	-22.0	-12.0
Robbery	212	157	-26.0	151	-04.0	198	+31.0	152	-23.0	-28.0
Aggravated Assault	2457	2389	-03.0	2424	+01.0	2544	+05.0	2509	-01.0	+02.0
Burglary	572	460	-20.0	527	+15.0	743	+41.0	575	-23.0	+00.5
Larceny-Theft	11279	12223	+08.0	12857	+05.0	14847	+15.0	14364	-03.0	+27.0
Motor Vehicle Theft	194	147	-24.0	164	+12.0	233	+42.0	209	-10.0	+08.0
TOTALS	15125	15810	+05.0	16478	+04.0	19018	+15.0	18169	-04.0	+20.0
Personal Crime	3080	2980	-03.0	2930	-02.0	3195	+09.0	3021	-05.0	-02.0
Property Crime	12045	12830	+07.0	13548	+06.0	15823	+17.0	15148	-00.4	+26.0

are diverted from the system at higher rates - the criminal history and possibly criminal identity of elderly inmates may come to be more similar to that of younger inmates. Therefore, the nature of adjustments to institutionalization and the needs of this elderly inmate group may change.

What needs to be amassed is useful, accurate, practical information about the career patterns and forms of institutional adaptation for older inmates as well as the younger inmates who will eventually, becuase of their long sentence, age in prison. These studies must be based upon samples substantially larger than those used in prior studies. They need to incorporate control groups in the analysis and to be oriented toward the delineation of the multiple and often interdependent factors that determine and influence institutional adaptation. These include personal characteristics of the offenders and their offenses as well as administrative, programmatic, physical, and socio-demographic attributes of the institutions themselves. While there are some who would say the last thing we need is another study, the only other option is to continue with uninformed decision-making to the point where some "crisis-management" is required because the elderly inmate population has grown beyond expectation or some unfortunate series of crises occur and bring the circumstances into public scrutiny. Then, some short-term, piecemeal resolution can be developed until the crisis occurs again to be "emergency-managed." This method has not been effective in the past with any number of problems, e.g., prison violence, racial problems, overcrowding, and it will not work with the current problems faced by elderly inmates.

Additionaly, currently existing programs or programs developed in the past, such as pennsylvania's Project 60 (Wiegand and Burger, 1979) and theraputic programs designed to reduce anomie (Aday, 1977) can be evaluated. Through this evaluation the problems and needs of elderly inmates can be identified and the mechanisms created to meet these needs can be assessed.

It is going to be increasingly difficult to ignore the growing elderly constituency. Corrections, like other social institutions in society, must be prepared for the "greying of America."

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